



TWELFTH ANNUAL REPORT

The Independent body established by an Act of Parliament to keep
under review the working of the Firearms Acts.

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FIREARMS CONSULTATIVE COMMITTEE

TWELFTH ANNUAL REPORT

The Independent body established by an Act of Parliament to keep
under review the workings of the Firearms Acts

Presented pursuant to Act Eliz II 1988 c.45

Section 22(6) (Firearms (Amendment) Act 1988)

*Ordered by the House of Commons to be printed
14 October 2004*

**Annual Report of the
Firearms Consultative Committee**

Sir

I have pleasure in submitting to you as required by Section 22(6) of the Firearms (Amendment) Act 1988 the Twelfth Annual Report of the Firearms Consultative Committee.



DAVID PENN
Chairman

The Rt Hon David Blunkett MP
Secretary of State for the Home Department

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CHAPTER 1

Introduction

We would like to thank Tom Dooley who as the former Secretary to the FCC has provided help, support and guidance to the Committee. We wish him well in the future and thank him for his invaluable contributions.

We would like to acknowledge the vast amount of detailed and excellent work that has been undertaken by the Committee over the last twelve years. We would like to thank everybody who has participated in the Committee or one of its sub-groups for their valuable contributions. We would like to inform any subsequent body that many issues that were dealt with by the FCC and remain outstanding are summarised in Annex A.

The Committee

1.1 The Firearms Consultative Committee is a statutory body set up under Section 22 of the Firearms (Amendment) Act 1988 (reproduced at **Annex B**). Members appointed to the Committee are chosen from those who appear to the Home Secretary to have knowledge and experience of either the possession, use (in particular for sporting or competition) or keeping of, or transactions in firearms or weapons technology or the administration or enforcement of the provisions of the Firearms Acts.

1.2 Under Section 22 (8) of the 1988 Act the Committee initially existed for a period of five years from 1 February 1989. The life of the Committee has been extended several times since, most recently by two years to 31 January 2004. Paragraph 2 of the Firearms (Amendment) Act 1988 (Firearms Consultative Committee) Order 2002, which extended the Committee's life, is also included at **Annex B**. The Committee has been chaired since August 1999 by David Penn.

1.3 There have been a number of changes to the Committee's complement over the past session and a list of members is at **Annex C**.

Opinions Expressed

1.4 The opinions and views expressed in this report are rarely unanimous. It should be noted that dissenting voices, particularly that of the Gun Control Network, are not always recorded in the text of the report.

Aims and Activities

1.5 At the start of the working year the members considered a proposed working programme and agreed that the following issues would form the basis of our work programme:

- Legislative Changes
- Licensing by Category
- Certificates
- NHS Reporting of Injuries
- Amnesty
- Review of Firearms Legislation
- Airguns and Muzzle Energy

The Future Role and Composition of the Committee

1.6 The Home Secretary announced on 30 January 2004 his decision not to further extend the life of the Firearms Consultative Committee, which ceased to exist on 31 January. The Committee has made eleven previous reports and successive Home Secretaries have acknowledged the close scrutiny we have given to a whole range of difficult and complex issues. It is all the more disappointing, therefore, that the Committee has been allowed to lapse particularly at a time when the Government is contemplating a comprehensive review of the current legislation.

1.7 The Government has stated that it is anxious to maintain a forum for consultation but would wish to do so on a broader basis than allowed by the statutory framework of the FCC. Urgent consideration is being given to setting up a new consultative structure, possibly on the basis of a two-tier structure to look at detailed technical matters and the operation of firearms controls in the round. It is our fervent hope that this is taken forward as quickly as possible and that the Government and interested parties are not left with a situation where considered advice that has been thoroughly discussed within a forum of experts is unavailable to them. (Secretary's Note – new arrangements for a Firearms Advisory Committee supported by a Technical Sub-committee were announced in response to a Parliamentary Question on 20 May 2004.)

Sub-Groups

1.8 This session the FCC has continued to benefit from the use of broad-based sub-groups. Apart from achieving a more equitable workload, this has allowed the FCC to bring in people who have particular knowledge and experience thus adding further weight to any recommendations that the FCC makes. A full list of members of sub-groups is attached at **Annex E**. The FCC also takes evidence from interested parties and outside bodies, giving a broader basis of evidence from which to reach its conclusions.

CHAPTER 2

Legislative Changes

2.1 A part of our work programme was to look at legislative changes tabled in the Criminal Justice Bill to introduce a minimum mandatory sentence of 5 years for possession of a prohibited firearm. Other changes to be looked at were tabled in the Anti-social Behaviour Bill, and were aimed at tackling the misuse of air weapons and imitation firearms.

Criminal Justice Bill

2.2 We discussed at three meetings the proposal for the introduction of a 5-year minimum mandatory sentence for the possession of a prohibited firearm and established that most section 5 weapons would be covered except those listed by section 5(b) e.g. stun guns and those discharging noxious substances. We noted that the new law would not apply in respect of an antique firearm possessed only as a curiosity or ornament. The minimum sentence was intended to send a tough message to criminals but was not designed to impact on regulatory offences.

2.3 As a general rule, sentences are not fixed by law and the concept of a minimum mandatory sentence is particularly unusual. Removing the discretion of the judiciary could prove unpopular with the courts and there might also be Human Rights implications. It could result in a situation where mitigation and discounts would come into play if somebody has actually used a gun but not in the case of possession.

2.4 The relevant clause in the Bill sought to impose a minimum sentence in England and Wales of 5 years if the convicted person was aged 18, and in Scotland it was 21 years of age. The loss of discretion by the judiciary was mitigated to the extent that the Bill made it clear that the minimum sentence should be imposed unless there were exceptional circumstances relating to the offence or offender which justified not doing so. All cases were to be made triable on indictment and 5 years was to mean 5 years in so far as there would be no discount for guilty pleas. The normal rules on parole would still apply.

2.5 The Criminal Justice Act commenced on 22 January 2004. We welcome it in so far as it will focus on criminal misuse and hope it will not be used in a draconian way against people whose transgressions are essentially of a regulatory nature.

Anti-social Behaviour Bill

2.6 We were asked to comment on the Home Secretary's proposals for new provisions in the Anti-social Behaviour Bill to tackle the misuse of air weapons and imitation firearms.

2.7 We considered a range of papers on the subject including age limits. The discussion centred on Part 6 of the Anti-social Behaviour Bill particularly clauses 42, 43 and 44 at **Annex E**.

2.8 The Committee was unanimously in favour of the provisions of clause 42 whereby an offence was created for the possession of an air weapon in a public place without lawful authority or reasonable excuse.

2.9 The discussion of clause 43 produced differing opinions. On the one hand it was considered to be a major and detrimental blow to the use of air guns by young persons on private land, particularly as laws already existed that covered this area. On the other hand some members favoured a rise in the age limit for unsupervised use of air weapons to 17 in order to tackle misuse. Our attention was drawn to a survey carried out by the Cats Protection League, which claimed that 7,300 cats had been injured by people using air weapons in 2002, although there was no evidence presented as to the age group of the perpetrators.

2.10 The discussion of clause 43 led to the majority of members agreeing that it did not add to clause 42 and that a letter should be sent to the Home Secretary, outlining the committee's position. The letter should indicate support for the creation of a new offence of allowing air gun pellets to stray outside the curtilage of a private property. The letter was sent on 28 April 2003 and is reproduced at Annex G.

2.11 The Committee looked closely at the proposals in clause 44 for dealing with weapons that use the air cartridge system. The use of these guns to fire live rounds was acknowledged as a real problem but the majority of FCC members felt that the provisions as they stood were far too wide. If the intention was to deal with the potential misuse of these guns, then the legislation should specifically identify them. If they were to be banned then they should be made a prohibited weapon and treated similarly to other section 5 prohibited weapons.

2.12 It was the view of a majority of the Committee that compensation should be paid at a realistic and appropriate level for all of these guns and their accessories. Without compensation the proposals would have less effect than they might on persuading those owners who are not already part of the legitimate shooting community to give up these arms.

2.13 As the Anti-social Behaviour Bill progressed some reservations were expressed regarding the definition to be used for banning the self-contained gas cartridge system. There were concerns that the definition was unclear and may extend to Carbon Dioxide (CO₂) or reservoir systems but the Home Office assured us that the definition related specifically to the self-contained gas cartridge system, which had to contain the propellant and projectile. These components were not found together in a CO₂ type system.

2.14 We were informed that the ban on self-contained gas cartridge weapons would be implemented in two stages. A ban on manufacture, sale, purchase, transfer and acquisition would come into force on 20 January. Existing owners would have until 30 April to apply for a firearm certificate or hand in their weapon to the police. On that date, it would become an offence to possess a self-contained gas cartridge (SCGC) weapon (the commencement order provided that no offence would be committed if an existing owner's application or appeal remained outstanding on that date). There would be no requirement on the applicant to show good reason and therefore no conditions relating to good reason could be imposed. Apart from the standard ones, the only condition likely to be appropriate would be one to prevent the weapon being modified. An existing owner who already held a firearm certificate could add SCGC weapons to it without further enquiries. The cartridges used by SCGC weapons would not be prohibited and would not need to be entered onto a firearm certificate. The usual fees would be payable for new certificates and for variations.

2.15 The Gun Control Network felt that the Anti-social Behaviour Bill gave a good clear message that air weapons were not toys but felt that it did not go far enough. They suggested that any gun defined as lethal should be subject to certification and that all air gun sales should be through Registered Firearms Dealers (RFDs).

2.16 The Anti-social Behaviour Act 2003 received Royal Assent on 20 November 2003. A commencement order was made on 17 December which would bring the firearm provisions into force on 20 January 2004.

2.17 The primary aim of the ban was to stop future sales of SCGC weapons. It was impossible to predict how many weapons would be handed in or put on certificate because no one knew how many had already been destroyed, broken, lost or exported.

2.18 The Home Office aimed to publicise the new arrangements as widely as possible and would be sending posters and revised air weapons leaflets to the police, along with stickers to put on tins of air pellets at the point of sale. The police could draw on this material, and a Home Office circular, for local publicity. There would be other national publicity through press articles, editorials and ministerial speeches. The press would be asked to include any material unaltered, to avoid the risk of misleading information being circulated. At its January meeting the Committee expressed its concern that the time frame for publicity was inadequate and that existing owners would be left in ignorance of the requirements of the new legislation.

2.19 The Committee was concerned that the police might immediately seek to prosecute any existing owner who had applied for a certificate before 30 April and had his application or appeal turned

down after that date. We were informed that the process of applying for firearm certificates for SCGC weapons was on the agenda for the next Association of Chief Police Officers (ACPO) Firearms Sub-Committee meeting and that direction would be given to assist applicants to legalise their status.

2.20 Given these changes in legislation we think the Home Office should now ensure that their “Guidance to the Police on Firearms Law” is up-dated, at least on their web site. Their air weapon leaflet should also be updated. We so **recommend**.

CHAPTER 3

Licensing by Category

3.1 The FCC formed a sub-group to look again at whether a firearm certificate should be specific to the firearm or whether a system of licensing by category should be introduced. This had originally been suggested in a paper presented by the Shooting Sports Trust in 1994 and was addressed in our 4th and 5th Annual Reports but was not pursued in our programme post Dunblane.

3.2 The sub-group met twice and reported to the wider committee in January 2004. The agreed aim of the sub-group was to establish, as a matter of broad principle, whether the concept of licensing by category was to be put forward for the proposed firearms review. The first task of the sub-group was to see whether any of the suggestions from previous discussions were still valid and to balance any recommendations against the need for public safety. All the past papers on this were re-examined and formed the basis for further discussion.

3.3 The British Shooting Sports Council (BSSC) set out the shooting organisations' view that full licensing by category was unlikely to be achievable in the short-term but expressed their support for an earlier change in relation to 'one-for-one' variations. Section 32(1)(c) of the Firearms Act 1968 provides for the payment of a fee only where the number of firearms to which the certificate relates is increased. It follows therefore that no fee is payable where the number of firearms remains the same ie one off, one on (one-for-one). The police do not normally conduct enquiries where the acquisition of a firearm replaces one of a similar calibre for the same purpose but do conduct enquiries where, say, a .22RF rifle for target shooting is replaced by a .243 for shooting deer. The sub-group also accepted that historical guns held under section 7 were not appropriate for categorisation and each case would need to be assessed on its merits. The discussion therefore centred on the system for 'one-for-one' variations, which accounted for 20% of licensing authority's workload.

3.4 The current application process for one-for-one variations requires certificate holders wishing to change a firearm that they have authority to possess for another similar firearm even of identical calibre, type and use, to apply to their local constabulary for authority to do so. The applicant must give details of the firearm to be acquired and the one to be replaced. These applications might in theory invite interest from licensing authorities, but in practice no actual checks occur for firearms of identical calibre, type and use.

3.5 The sub-group considered whether the 'one-for-one' variation process should be reversed from seeking prior approval to notifying the licensing authority after the event. The police would still be notified of acquisition and would have already established their satisfaction with the person's suitability to possess firearms in the first place. Both the buyer and the seller would still notify the police of every change. Any discrepancies would be followed up as at present.

3.6 The sub-group was broadly in favour of such a change to ‘one-for-one’ variations with the exception of the Gun Control Network. The GCN felt that at present a ‘one for one’ variation was at least looked at and scrutinised and that this was a positive safeguard. They saw the proposed change as a relaxation of firearm controls. As a matter of principle the GCN felt that every gun should be specifically licensed and the case examined by the police even in a situation where there was no material change. The police considered that this was wasteful of resources.

3.7 Noting the Gun Control Network’s objections, the FCC **recommends** that the process for ‘one-for-one’ variations should be changed from one of seeking prior approval from licensing authorities to notifying them after the event.

3.8 On licensing by category, the FCC felt that there was still significant debate to be had on this issue whilst recognising that there were different views on the merits, including strong opposition from the Gun Control Network and some reservations from the police. The FCC **recommends** that licensing by category be considered further as part of the Home Office’s review of firearms law. (Secretary’s note - this issue was included in the Government’s Consultation Paper on Firearms Control published in May 2004.)

CHAPTER 4

Certificates

Certification of Veterinarians

4.1 We discussed a police proposal that individual veterinary surgeons within a practice should be allowed to use firearms for humane killing of animals under the authority of a single certificate granted to the senior or nominated partner. Veterinary surgeons are professional persons and we are mindful that persons starting races, persons involved in theatrical performances and servants of Registered Firearms Dealers (RFD) are already covered by a single certificate provision.

4.2 Current legislation requires each veterinary surgeon using firearms for the humane killing of animals in a practice to have a firearms certificate. Most certificates authorise another firearm to be acquired in the event that the firearms on that certificate are unavailable for use. This requirement for individual certificates was considered to be an unnecessary administrative burden both on the licensing authority and the practice, particularly as there is a large turnover of staff at veterinary practices.

4.3 The average veterinary practice where firearms are used comprises four partners, four assistants and one or two locums to cover for illnesses. Assistants stay for one to two years and locums between one and six months. The certificate holder normally possesses three firearms, which are primarily used by the large animal veterinary surgeons but could be used by all veterinarians in the practice.

4.4 A single certificate within a practice could cover all the qualified veterinary surgeons but would exclude other staff and could only be used in the course of veterinary duties. The certificate could be granted in an individual's name, generally the senior or nominated partner, who would have to demonstrate competence. Training should be provided for users or proof of prior training should be submitted. A fee is payable for each firearm certificate used for the humane killing of animals and a single certificate would significantly reduce the cost and variations would be minimised for any change of firearms.

4.5 The proposals were agreed in principle with the exception of the Gun Control Network who took the view that all individuals should be subject to licensing. The FCC therefore **recommends** that veterinary surgeons in a practice should be allowed to use firearms for humane killing of animals from a single certificate granted to the senior or nominated partner. This would require primary legislation.

Authority to Suspend

4.6 We considered a police proposal for licensing authorities to be allowed to suspend a firearm or shotgun certificate and seize weapons for a given period of time. This was prompted by telephone calls about certificate holders that had to be investigated. The information received was often uncorroborated and so there was reluctance on the part of licensing authorities to revoke a certificate, but at present that was the only legal option available.

4.7 The Committee was informed that currently a firearm or shotgun certificate is either valid or it is revoked. The licensing authority is frequently informed, sometimes anonymously, of a complaint against a certificate holder. In many cases this turns out to be either the partner or neighbour involving the police as a third party in a dispute. When allegations are made the licensing authorities have a duty to investigate in the interest of public safety.

4.8 Most licensing authorities have access to criminal justice and administrative information systems which notify them when a certificate holder has been arrested or charged with an offence within their force area (but not outside it), which may bring into question their safe possession of firearms or shotguns. Cases take some time to go to court and are sometimes dismissed. Revocation of the certificate(s) can be dependent on the outcome of court proceedings and it is inappropriate for the holder to be in possession of firearms whilst on bail. On the other hand if the person is not convicted then the case for revocation may not be valid although the burden of proof in a criminal case is different.

4.9 The licensing authority weighs any balance of doubt towards that of public safety. The certificate would be revoked until evidence is provided that the holder can possess firearms and/or shotguns without danger to public safety or to the peace. If allegations are proven false, there is no legal process to re-instate the certificate; the holder would have to appeal or apply for the grant of a new certificate. In the latter case the holder would have to pay the fee and to declare on this application and on all future applications that a certificate had been revoked.

4.10 An amendment to primary legislation or to the Firearms Rules would be necessary to enable licensing authorities to suspend a firearm or shotgun certificate and seize the firearms or shotguns for a given period of time. The FCC was broadly in favour of the proposal and noted that the police would be discussing the implications further with shooting organisations which had reservations about the potential for misuse of this power were it to be introduced.

CHAPTER 5

NHS Reporting of Injuries

5.1 One of the areas of work we have previously noted as requiring further investigation is the procedures governing the reporting of any injuries treated by the National Health Service (NHS) caused by firearms. One of our members, Professor Shepherd, has carried out considerable research on this subject and a paper he produced with proposals for action is reproduced in its entirety below.

5.2 These proposals were subsequently taken up by Professor Shepherd with the Ethics Committee of the General Medical Council and following further discussions with the police, guidance was drawn up for doctors in all Accident and Emergency Departments.

5.3 The FCC gave unanimous support to this paper and fully endorses the conclusions, which would also apply to Scotland. We think it is important that the new guidance is fully observed and receives the backing of all interested parties. It would be helpful if Home Office Ministers wrote to colleagues in the Department of Health and the devolved administrations and we so **recommend**.

NHS REPORTING OF INJURIES CAUSED BY FIREARMS: WORKING PAPER BY PROFESSOR SHEPHERD

Introduction

A key objective of all police services is crime reduction and the maintenance of a safe society. Police work targeted at repeat locations, repeat offenders and repeat victims is known to be effective in reducing crime. Targeting of firearm crime is an important priority. Prompt, comprehensive intelligence about firearm use is crucial both in terms of responsive targeted policing and with regard to deterring offenders and potential offenders through investigation and conviction.

The Problem

A substantial number of violent offences are not reported to/recorded by the police. Successive British Crime Surveys (BCS) have demonstrated substantial numbers of serious violent offences which are not reported, and three-quarters of violent offences categorised in the BCS as “moderately serious” are not reported. Research in accident and emergency departments has demonstrated that substantial numbers of violent offences, even a majority in some locations, like night-clubs, are not reported. Research has found little correlation between seriousness of injury and police reporting although there is a greater likelihood that serious injury sustained in assault will be reported. Reasons why violent offences may not be reported include fear of reprisals, the urgent need for medical treatment, a continuing relationship with the assailant (which is not limited just to domestic violence), a hostile attitude towards the police and reluctance to have one’s own conduct scrutinised. In drug related shootings for example, it may not be seen as a priority on the part of anyone involved for the offence to be reported. In Atlanta, emergency department research showed that 17% of shootings, which resulted in ED treatment did not appear in police records.

Context

A more integrated approach to crime reduction, exemplified by the provisions of the 1998 Crime and Disorder Act has brought the NHS into local crime reduction efforts. Violence has also become an important public health issue. Accident and Emergency and Public Health personnel are becoming involved in local crime reduction partnerships. It is increasingly acknowledged that all those injured in assaults who seek treatment should be asked by NHS personnel whether they wish to report offences to the police and, whether they would like NHS staff to report on their behalf. Disclosure of serious violence is fully justified on public interest grounds, even if the patient does not consent (see below).

Reasons for NHS Reporting of Injuries Caused by Firearms

- (a) Informs targeted policing: the NHS may be the only agency aware of a shooting.
- (b) Increases deterrence through increasing the chances of conviction of violent offenders.
- (c) Increases surveillance (identification and tracking) of firearm use.
- (d) In the case of self-inflicted injury, allows review of firearm licence.

Arguments Against NHS Reporting of Injuries Caused by Firearms

The principle of confidentiality has been cited as a reason not to disclose information to the police. However, with regard to disclosure, the General Medical Council has advised all doctors that disclosure in the public interest is justified where disclosure may assist in the prevention, detection or prosecution of a serious crime or where failure to disclose information would put the patient or someone else at risk of death or serious harm. In the case of firearm injuries, either they have been inflicted in the commission of a serious crime or they are self-inflicted in which case there is a risk of repeat self-harm and the reason for firearm ownership should be reviewed. Therefore, whatever the views of the patient, prompt disclosure is the responsible, ethical way forward.

Accident and Emergency doctors and nurses may, reportedly, be too busy to report. It has been argued that workload does not allow reporting and that, in any event, reporting is not part of standard medical care. Historically, similar arguments were used when need for the investigation of non-accidental injury of children was first recognised. In this case, wider issues of protection have been addressed and responsible doctors and nurses now report suspected child abuse, underpinned by legislation and local procedures. Furthermore, responsible healthcare should include consideration and action with regard to issues of repeat injury and community safety. The modernisation programme of Accident and Emergency Services in England incorporated the principle that Accident and Emergency Departments should be concerned with injury prevention as well as treatment.

Potential Benefits of NHS Reporting of Injuries Caused by Firearms

- (a) Gun crime reduction through targeted policing and deterrence, particularly in relation to drug related crime.
- (b) Better surveillance of firearm use, including in relation to self-harm.

Provision of further information relating to firearm licensing.

- (c) Engages the NHS with the police and local authorities consistent with Crime and Disorder Act responsibilities.
- (d) Reduces risk to individuals and communities.

International Perspective

Regulations with regard to reporting firearm injuries from Emergency Departments are most comprehensively developed in the United States, where most individual States have legislation which mandate the reporting of firearm injuries by emergency department personnel.

Air Weapon Injuries

Air Weapon injuries include minor, accidental, or self-inflicted injuries, but also small numbers of serious injuries and deaths. The same arguments apply to air weapon injuries although Accident and Emergency Department staff need to exercise discretion as to whether disclosure is justified in the public interest. In every case however, it is important that air weapon owners and parents of air weapon users review use so that risk of repeat injury is reduced to a minimum. Accident and emergency attendance should prompt such review, although processes to ensure that this occurs have yet to be developed. All individuals injured with air weapons should be asked whether they would like the injury to be reported to the police and should be given assistance where this is requested.

Jonathan Shepherd
4 April 2003

APPENDIX A: General Medical Council – draft Q and A paper
APPENDIX B: Letter from ACPO to GMC

**Reporting Gun Shot Wounds
Guidance for Doctors in Accident and Emergency Departments**

This guidance has been approved/agreed/is supported by the Association of Chief Police Officers (and British Association of Accident and Emergency Medicine)

Q1 Should all gun shot wounds be reported?

Yes, gun shot wounds are the result of a serious incident, which the police should be told about. You should tell the police that a person has arrived at the hospital with a gun shot wound. At this stage identifying details, such as the patient's name and address, and details of the injury are not needed.

Q2 When should the police be informed?

As soon as possible. Quick reporting may help prevent further incidents or harm to others. But the interests of the patient must always come first.

Q3 Why should the gun shot wounds be reported to the police?

The police are responsible for assessing the risk posed by members of the public who are armed. They will want to consider:

- The risk of a further attack on the patient
- Risks to staff, patients and visitors in the A&E Department or hospital
- Risk of further shooting near to, or at, the site of original incident.

Q4 What happens when the police arrive at the hospital?

The police will usually ask to see the patient.

The treatment and care of the patient is a doctor's first concern, and you should not allow police access to the patient if this will delay or hamper treatment or compromise the patient's recovery.

If patients' treatment and condition allows them to speak to the police, you should ask patients whether they are willing to do so.

Both you and the police must abide by the patient's decision.

Q5 What happens if the patient refuses to talk to the police, or the patient is unconscious?

If it is practicable to do so, you should ask the patient whether the hospital may disclose information to the police.

If the patient cannot give consent, or says ‘no’, information can still be disclosed if there are grounds for believing that this is the public interest.

Usually a decision to disclose information without consent should be made by, or with the agreement of, the consultant in charge.

Disclosures in the public interest are justified where

- A disclosure may assist in the prevention, detection or prosecution of a serious crime.
- Or where a failure to disclose information would put the patient, or someone else, at risk of death or serious harm.

Further guidance on disclosures in the public interest is available in our booklet *Confidentiality: Protecting and Providing Information*.

If you decide no such question arises, the police may seek an order from a judge for the disclosure of confidential documents, under the Police and Criminal Evidence Act 1984 (Schedule 1). The police are also given powers under S19 of this Act to seize evidence, such as clothing, which may help in detecting or prosecuting a crime.

APPENDIX B

**LETTER FROM ACPO TO GMC CONCERNING THE
REPORTING OF FIREARM INJURIES**

I am writing following our telephone conversation of earlier today with a view to detailing some of the points, which we discussed in brief. As I explained this morning I am secretary to the Co-ordinating Group on the Illegal Possession and Misuse of Firearms which reports to the Home Office's Strategic Customer Group. This Group looks at all aspects of the misuse of firearms and one of the areas currently under consideration is the reporting, or not, of gunshot injuries by hospitals.

The area has been identified for review by the Firearms Consultative Committee which reported "*that the procedures governing the reporting of injuries by the NHS, involving firearms, should be reviewed as part of its work for the next year.*" In seeking relevant views I have spoken to Professor Jonathan Shepherd of the University of Wales, who is also a member of the Firearms Consultative Committee. A paper published by Professor Shepherd in the British Journal of Criminology was most helpful in summarising the current guidance of the various medical associations in relation to the reporting of injuries to the police in general and also contains some research conducted by the Professor on the subject. I enclose a copy of the paper for your information. I also enclose a paper, which I prepared summarising the positions of the various bodies and reflecting the police perspective and concerns.

The view of the Co-ordinating Group is that all gunshot injuries reported at hospitals should be reported to the police. I would summarise the main threads of our argument as follows:

**The General Reporting
of Gunshot Injuries**

The rationale for reporting all such injuries is, in several ways, consistent with existing guidance. For example, all instances where a person has been shot by another are, at least potentially, a serious arrestable offence which is the criteria for reporting an injury to police in the Central Consultants and Specialist Committee advise of 1991. In the GMC advise of 1995 disclosure is recommended "*in the public interest where the failure to disclose information may expose the patient or others to risk of death or serious harm.*" It suggests this may be necessary in "*the prevention of serious crime*". I now appreciate, following our conversation, that this guidance has been updated but remains essentially the same. We would suggest that even if the person at hospital is not under further threat from the offender, the fact that there is an armed offender in the area poses a "*risk of death or serious harm*" to others in that area and certainly police officers patrolling therein and as such notifying police of events would clearly be "*in the public interest*".

The GMC advice leads to an issue which is somewhat separate to the “ethical” considerations of patient confidentiality which may offer a more pressing imperative for hospitals to notify the Police of gunshot victims. It is certainly the practice in Manchester that in the majority of cases armed officers will deploy at least to the area of the hospital receiving a gunshot victim to be in a position to respond should there be a further threat to the victim, and by proximity to the hospital staff and other patients. In the majority of cases a risk assessment is conducted and no additional action is required but in a significant minority a full-armed guard will be mounted at the hospital. In one case in Manchester and a further case in London offenders in shootings have been reported to be in the hospital precincts of where their victims had been taken. If the Police are unaware of shootings clearly they cannot assess the potential threat and afford appropriate protection to the hospital. I understand that in Central London hospitals consideration is being given to issuing staff with bulletproof vests.

Self-Inflicted Injuries

In relation to self-inflicted injuries we would argue that these should be reported to police as with other types of gunshot wounds. If one accepts that the injury is self-inflicted then there must be doubts over whether the firearm holder (be it the victim or another) is fit to hold the weapon and whether the incident will be repeated. If it is a genuine accident then it will stand scrutiny; if it is a case of intentional self-harm or negligent injury then there may be a case for rescinding the authority to possess a firearm.

Serious consideration must also be given as to whether the claim that the injury was self-inflicted or an accident is credible. In considering this I would draw your attention to research conducted by the Manchester Multi-Agency Gang Strategy (MMAGS). This Home Office supported project has conducted a good deal of research in relation to gang and firearms related crime. It found that of 46 gunshot victims considered 43 had previously been arrested and 35 had criminal records. Of 32 likely culprits in shootings 8 had been the victims of shootings themselves and 3 were subsequently shot dead. Such people are unlikely to either want police involvement or tell the truth about how they received their injuries. However, we would argue that for general reasons of public safety the police should be made aware of these incidents.

In summary, the position we would advance is that clear instructions should be given to all hospitals that all gunshot injuries should be notified immediately to the police. I would welcome your thoughts on the points raised and would be keen to discuss the relevant points in detail once you have had the opportunity to consider them.

CHAPTER 6

Amnesty

6.1 As a result of concerns about the increase in the use of illegal guns in crime, the government and the police agreed that it would be timely to hold an amnesty in an attempt to reduce the grey market. This was discussed at several meetings and the FCC was kept abreast of the progress.

6.2 The amnesty started on the 31 March and ran to the 30 April 2003. We were informed that Frank Warren's Sports Network offered free tickets to sporting events in exchange for weapons being handed in and this helped to increase awareness of the amnesty. A series of anti-gun crime concerts to support the anti-gun crime charity 'Disarm' had also been advertised in conjunction with the amnesty for maximum effect.

6.3 The amnesty produced a mixed haul including some obsolete items as well as automatic weapons and handguns. The figures are set out below together with those relating to the previous amnesty of 1996.

	2003	1996
Prohibited firearms (hand guns)	5,734	4,400
Prohibited firearms (rifles)	155	104
Prohibited firearms (shot guns)	344	105
Other Guns		
Imitation	9,480	2,000
Air Weapons	13,974	5,000
Rifles	2,259	1,755
Shot guns	10,513	8,500
Total	<u>43,908</u>	<u>21,864</u>

There were 7000 other weapons also handed in.

6.4 Over 1 million rounds of ammunition were handed in of these 33,000 were prohibited, 457,000 bulleted, 171,000 shot gun and some 378,000 others.

6.5 The amnesty had been used by police forces to galvanise local media and community leaders for maximum effect. There had also been support from members of the popular music industry and other prominent persons from sport. All of this had helped to raise awareness and ensure that the amnesty had been a worthwhile exercise, followed up by a post amnesty crack down on offenders.

6.6 All of the weapons had been destroyed apart from items which were offered to national museums, and those retained for training or sent to the FSS for examination.

6.7 Some firearms surrendered were large magazine shot guns that had not been certificated as section 1 when their status changed in 1988. We believe that this could occur again in relation to the proposed ban on weapons that use the air cartridge system if no compensation is offered and we are concerned that lessons appear not to have been learnt. We **recommend** that full account should be taken of the consequences of not paying compensation should similar situations arise again.

CHAPTER 7

Review of Firearms Legislation

7.1 Given the Government's declared intention to review the firearms legislation we considered it opportune to set up a small sub-group to review various recommendations of the Committee that were still outstanding. It was not part of the group's remit to review the arguments or merits of the recommendations, just to see which ones still had currency.

7.2 A consolidation paper of all outstanding and relevant previous recommendations of the FCC that are still unresolved is included as **Annex A**. We would wish this to serve as an aid to any future review of firearm legislation and/or administration. Each recommendation is listed with its original paragraph reference (where applicable) and the annual report in which it first appeared.

7.3 For ease of reference any recommendation that would require a change in legislation (including secondary) has the word '**Legislation**' after it and anything that we think would be helpful to a review has '**Firearms Review**' after it.

7.4 We **recommend** that all the issues listed are taken into account either in drafting the consultation paper or in any subsequent consideration of how the existing laws might be improved. Notwithstanding that the possibility of establishing a National Firearms Control Board was rejected in the light of Lord Cullen's report, we think it would be timely to look at this again and we so **recommend**.

CHAPTER 8

Airguns and Muzzle Energy

8.1 Concerns have been expressed over the apparent ease with which pre-charged pneumatic airguns may be tampered with after leaving the factory, enabling them to discharge pellets with energies significantly in excess of the legal limits. The FCC formed a subgroup to examine these concerns and look at possible preventative measures. In addition, the subgroup looked at the technical difficulties faced by manufacturers and importers in testing airguns so as to ensure that they comply with current legislation. Members of the Gun Trade Association (GTA) and the Airgun Manufacturers and Traders Association (AMTA) took part in meetings of the subgroup.

8.2 The subgroup met on two occasions before extending the debate to a wider group of members of AMTA and the GTA in order to examine the technical issues more fully and discuss possible solutions. As a result AMTA has established a technical committee to deal specifically with these issues.

Anti-Tampering

8.3 The mechanisms of pre-charged airguns range from the simple to the highly sophisticated and most, if not all, incorporate regulators, which enable the manufacturer to regulate the power of guns before leaving the factory. Unfortunately, it has been possible to subsequently tamper with these regulators and significantly increase a gun's power. AMTA members have now recognised the problem and are incorporating designs, which effectively prevent this.

Muzzle Energy Determination

8.4 As a result of the meetings, AMTA members are establishing a standardised procedure by which airguns will be tested. The procedure will be followed by UK manufacturers and importers and will ensure that airguns manufactured and sold by AMTA members comply fully with legal requirements.

8.5 AMTA members have agreed unanimously to establish a testing laboratory, which will be financed by the airgun manufacturing industry. Testing of both individual and batch samples will take place to ensure that the "anti-tampering" designs are effective and that the guns are properly regulated. Airguns meeting the standard will be marked and carry an AMTA and GTA certificate.

8.6 The publishers of airgun magazines have agreed to closely supervise all advertising and editorial content which advocates the tuning of airguns to achieve greater muzzle energy and to continue, through editorial, to educate the airgun user.

CHAPTER 9

Other Issues

9.1 Blank Firers. One of the disturbing features of the recent increases in gun crime was the use of converted blank firers. We were particularly interested therefore in receiving an up-date from the Forensic Science Service about work being carried out in conjunction with the Gun Trade Association (GTA) and manufacturers to make blank firers more difficult to convert. Indeed, the work done significantly exceeded this requirement and involved the insertion of a tungsten carbide insert cast into the gun to make it impossible to drill it or cut it down. The response from manufacturers had been very prompt. We commend the FSS, Gun Trade and the police on the good work and co-operation in this area. We **recommend** that they continue to liaise with manufacturers to ensure that the provisions in section 1 of the Firearms Act 1982, which control imitation firearms that are readily convertible, are effectively applied.

9.2 Operation of the Data Protection Act 1998 in Relation to the Provision of Information to Clubs. We were informed that the Data Protection Act 1998 might prevent the police from informing rifle clubs of existing members who became prohibited persons under section 21 of the Firearms Act 1968 by virtue of serving a custodial sentence of more than three months or whose certificates had been revoked or who might otherwise have been brought to their attention. There was concern that the Act was being used to prevent the provision of a Criminal Records Bureau certificate by existing employees of arms manufacturers or job applicants. We understand that ACPO will be looking at the issue, in light of the Soham Inquiry. We **recommend** that ACPO continue to explore this issue and submit any proposals for change as part of the review of Firearms Law.

9.3 National Forensic Firearms Intelligence Database. We were supplied with a copy of the NFFID Quarterly Report and committee members were encouraged to give their views on its usefulness. We felt that, although the report was informative, it did not lend itself easily to comparison with published statistics on gun crime. This was due to the fact that only guns recovered and sent to the FSS for analysis were being recorded. It was also not possible to categorise some guns because of incomplete data. These factors meant that not all guns used in crime were placed on NFFID. The FSS had encouraged various agencies to make submissions to them with the aim of obtaining details of all guns recovered not just those that had been used in crime.

9.4 We discussed the possibility of looking at the provenance of those guns recovered. This was considered possible with various law enforcement agencies using the NFFID data to start tracing the origin of guns recovered. Law enforcement agencies were also making a concerted effort to tackle the problem of Internet sales, which appeared to be a significant part of the market. We noted that a number of crimes were committed using converted weapons rather than modern section 5 guns; this could indicate a lack of availability or that real guns were too expensive for the criminal.

9.5 The FSS would be producing a more detailed NFFID annual report containing information about ammunition fired and recovered. We welcome this and **recommend** that the report be made available as widely as possible.

CHAPTER 10

Summary of Recommendations

10.1 It has now become customary to include a summary of the FCC's recommendations. Many of these are majority as opposed to consensus decisions. We would refer the reader to the chapters concerned for further details of our discussion.

10.2 Given the changes in the Anti-social Behaviour Act 2003 the FCC *recommends* that the Home Office should ensure that their "Guidance to the Police on Firearms Law" is up-dated, at least on their web site. Their air weapon leaflet should also be updated. (Paragraph 2.21)

10.3 The FCC *recommends* that the process for 'one-for-one' variations should be changed from one of seeking prior approval from licensing authorities to notifying them after the event. (Paragraph 3.7)

10.4 The FCC felt that there was still significant debate to be had on the issue of licensing by category and *recommends* that licensing by category be considered as part of the Home Office's review of firearms law. (Paragraph 3.8)

10.5 The FCC *recommends* that vets in a practice should be allowed to use firearms for humane killing of animals from a single certificate granted to the senior partner. This would require primary legislation. (Paragraph 4.6)

10.6 The FCC gave unanimous support to a paper on NHS Reporting of Injuries and endorsed the conclusions, which would also apply to Scotland. The FCC *recommends* that the Home Office prepare a letter to commend the proposals to the Department for Health and that similar letters be prepared for the Welsh and Scottish Executives. (Paragraph 5.3)

10.7 The FCC noted that many of the firearms handed in during the Amnesty, which ran from 31 March to 30 April 2003, were large magazine shotguns that had gone 'underground' when they had been banned. This could occur again in relation to the ban on weapons that use the self-contained gas cartridge system where no compensation was offered. The FCC *recommends* that full account should be taken of the consequences of not paying compensation should similar situations arise again. (Paragraph 6.7)

10.8 The FCC *recommends* that all the outstanding issues listed at **Annex A** are taken into account within the comprehensive review of firearms legislation. (7.4)

10.9 Notwithstanding that the possibility of establishing a National Firearms Control Board was rejected in the light of Lord Cullen's report, we think it would be timely to look at this again and we so *recommend*. (Paragraph 7.4)

10.10 The FCC *recommends* that the FSS, Gun Trade and the police continue to liaise with manufacturers to ensure that the provisions in section 1 of the Firearms Act 1982, which control imitation firearms that are readily convertible, are effectively applied. (Paragraph 9.1)

10.11 The FCC *recommends* that ACPO continues to explore the issue of the operation of the Data Protection Act 1998 in relation to informing third parties of information held on law enforcement databases and submit any proposals for change as part of the review of Firearms Law. (Paragraph 9.2)

10.12 The FCC welcomed the prospect of a NFFID Annual Report and *recommends* that the report be made available as widely as possible. (Paragraph 9.5)

ANNEX A

The Firearms Consultative Committee

Summary of Outstanding Recommendations

First Annual Report

Visitor's Permit Scheme

1.22 Provision should be made within firearms legislation for revocation of a visitor's permit and the charging of a fee for a replacement permit (paragraph 7.20) (Need to clarify the meaning of the term "borrow") **Legislation**

Second Annual Report

Estate Rifles

2.14 section 16 of the Firearms (Amendment) Act should be amended to clarify its scope (paragraph 5.11). **Legislation**

Third Annual Report

Definition of Antique Weapons and the Collecting of Firearms and Ammunition

3.9 the Home Office should give consideration to firearm and shot gun certificates for shooters of antique muzzle-loaders giving a general authorisation permitting use of any such weapon (paragraph 6.6). **Legislation**

3.11 the legislation should be amended to introduce a separate collectors' certificate (paragraph 6.11). **Legislation**

3.13 the Home Secretary should amend section 3(1A)(b) of the Firearms (Amendment) Act 1988 to permit the grant of a shot gun certificate for the sole purpose of purchasing cartridges (paragraph 6.13). **Legislation**

Miniature Rifle Ranges

3.14 the Home Secretary should amend section 11(4) of the Firearms Act 1968 to clarify that .22 rim-fire rifles only are intended and to remove the words "or carrying on" (paragraphs 7.5 and 7.16). **Legislation**

3.15 the legislation should be further amended to introduce a statutory safekeeping requirement (paragraph 7.10). **Legislation. Section 3(4)(iv)(a) 1998 Rules**

Component Parts

3.18 the Home Secretary should consider amending section 57 of the Firearms Act 1968 at a suitable early opportunity to include a definition of the term "component part" which would clearly limit these to pressure bearing parts only (paragraph 8.9). **Legislation**

Dismantling of Ammunition

3.21 the legislation should be amended to legalise the non-commercial unmaking of ammunition. This is technically an offence, but home-loaders need to be able to do it for reasons of safety. This is an issue for the Health & Safety Executive. **Legislation**

3.23 subject to the amendment of the law the HSE, in consultation with all interested parties, should issue an advisory leaflet on the unmaking of ammunition (all paragraph 10.9).

Firearms Review

**Implementation of EC
Weapons Directive**

Fourth Annual Report

4.12 the Home Secretary should review the feasibility of other EC Member States' domestic firearms licences being accepted for travel to this country (paragraph 7.21).

Legislation

Licensing by Categories

Fifth Annual Report

5.1 a system of licensing by categories should be introduced in which the broad categories of weapons should be prohibited weapons, hand guns, rifles, smooth bore guns and others (paragraph 4.14);

Legislation

5.2 the Home Office set up a working group to formulate detailed proposals on licensing by categories (paragraph 4.14);

Firearms Review

5.3 where it has been decided that an individual can possess weapons of a certain category he should be able to possess any number of weapons in that category up to an agreed limit which would be based primarily on security considerations (paragraph 4.14);

Legislation

5.4 the requirement for "one-for-one" variations should be abolished but such transactions should continue to be notified to the police (paragraph 4.14);

Legislation

5.5 where it has been decided that an individual can possess weapons of a high category, possession of weapons of a lower category should normally be allowed, subject to satisfactory security (paragraph 4.15);

Legislation

5.6 there should be a single certificate for all categories of weapon, which should also be able to be used as a European Firearms Pass (paragraph 4.16).

Legislation

**Borrowing of Rifles and
Ammunition**

5.12 a definition of "occupier" based on that in the Wildlife and Countryside Act 1981 should be included in the Firearms Acts (paragraph 5.4);

Legislation. Guidance Para 6.14

5.14 The scope of section 16 of the Firearms (Amendment) Act 1998 (estate rifles) be clarified (as previously recommended in our Second Annual Report) and that consideration be given to introducing a minimum age for the lender of a weapon (paragraph 5.6);

Legislation. Guidance Para 6.16

5.15 The differing exemption provisions for rifles and shot guns be examined and clarified (paragraph 5.6);

Legislation. Guidance Para 6.17

**Persons who have had
Certificates Revoked or
Cancelled to be
Prohibited Taking
Advantage of Exemptions**

5.25 the police should also be given the power, when revoking or refusing a certificate, to prohibit a person from benefiting from the exemptions. Such a decision should be subject to appeal (paragraph 8.10)

Legislation

**Report of a Working
Group set up to Consider
Amendments to the
Firearms Rules**

5.30 the recommendations of the Working Group should be adopted (paragraph 9.8); see below.

Legislation

- The countersignatory requirement should be abolished. However, the Group noted the view of the Home Office that it would not be right to remove the countersignatory requirement by amending the Firearms Rules. The countersignatory requirement was discussed in Parliament during the passage of the Firearms (Amendment) Act 1988, and it ought not to be abolished without further Parliamentary discussion. Amendments to the Rules would not allow for that. The Group therefore recommends that there should be no restriction on the occupational groups who can countersign certificate applications.

Legislation

- The number of photographs required for coterminous certificate applications should be reduced from eight to four.

Legislation

- The requirement for “one-for-one” variations should be abolished but such transactions should be notified to the police like shotgun transfers.

Legislation

- All forms used in the firearms administration process should wherever possible, be written in ‘plain English’.

Legislation

- Parts 3 and 4 (Renewals and Variations) of the current Firearms Certificate should be removed.

Legislation

- On renewal, applicants should not have to repeat basic information, which the police already have about them.

Legislation

- The legislation should be amended to allow notification of transfers by fax.

Legislation

- Section 27(2) of the Firearms Act 1968 requiring sales of ammunition to be recorded should be abolished.

Legislation

5.32 there should be an early trial of credit card style certificates in a small number of forces (paragraph 9.8).

Firearms Review

Sixth Annual Report

**Exemptions for Film and
TV Work**

6.1 any revision of section 12 should use language that is not medium specific (paragraph 3.4);

Legislation

6.2 any future revision of section 12 should not be restricted to commercial activities only (paragraph 3.5);

Legislation. Guidance Para 6.40

6.4 any revision of section 12 retain the distinction between a theatrical production which must involve an element of production and a cinematographic film which need not (paragraph 3.7);

Legislation. Guidance Para 13.63

6.5 the exemption under section 12 should be extended to cover the production of still images in circumstances analogous to a moving one (paragraph 3.8);

Legislation

6.6 any revision of section 12 should avoid restricting non-theatrical exemptions to any form of 'recording' so that 'live' transmission are not excluded (paragraph 3.9);

Firearms Review

6.7 section 12(2) should be amended to allow a suitably authorised armourer or hire company to authorise performers or others to have temporary possession of weapons during a performance, etc (paragraph 3.10);

Legislation

**Report of the Dealers
Sub-Committee**

6.19 the exemption allowed under section 41 of the Firearms Act 1968 should be extended to those involved with component parts or accessories of firearms (paragraph 10.6);

Legislation

	Seventh Annual Report
Appeals	7.4 as recommended in our Third Annual Report, the Home Secretary should investigate in depth the best mechanism for achieving a new appeals process which would be simple and inexpensive (paragraph 7.9) Legislation
Component Parts	7.8 at a suitable legislative opportunity component parts of shot guns should of shot guns be brought under some form of certificate control (paragraph 8.14) Legislation
	Eighth Annual Report
Lord Cullen’s Report and the Firearms (Amendment) Bill	8.1 there should be a complete consolidation of the numerous Firearms Acts at present in force (paragraph 2.4) Legislation
Young Shots and Air Weapons	8.2 there should be no departure from the recommendations in our Sixth Annual Report (paragraph 4.11) Legislation
Obtaining Firearms Certificate by Deception	8.7 the offence under section 26(5) of the Firearms Act 1968 should be triable either way (paragraph 7.4) Legislation
Legal status of magazines	8.8 the recommendation in our Third Annual Report that there should be a definition of a component part should be adopted (paragraph 7.8) Legislation
	8.9 In the absence of legislation the Home Office should give advice to the police that magazines are not component parts (paragraph 7.8) Legislation. Guidance Para 13.70
	Ninth Annual Report
Criteria for Rifle and Muzzle-loading Pistol Clubs	9.3 The Home Departments should offer clear guidance to the police on what information is required of clubs in respect of keeping records of the shooting activities of members. [Paragraph 3.3] Firearms Review. Guidance Chapter 18.
Reference Form	9.10 If necessary there should be a statutory defence against libel proceedings for any comments made by a referee on the Reference Form. [Paragraph 8.5] Legislation
Dealers Acting as Referees	9.11 Registered firearms dealers should be permitted by law to act as referees in applications for a Firearm Certificate. [Paragraph 8.10] Legislation. Firearms Review Guidance Para 10.9

Variation Form	<p>9.12 A separate form for applications to vary the firearms held on a Firearm Certificate should be included in the Firearms Rules. [Paragraph 8.12] Legislation</p>
Expanding Ammunition	<p>9.14 The Government should consider whether the ban on expanding ammunition and projectiles serves any useful purpose and, if it does not, its repeal. [Paragraph 9.6] Legislation</p>
White Signal Flares	<p>9.18 The Home Office should consider further the present law governing signal flares as part of a wider look at firearms controls. [Paragraph 11.23] Legislation</p>
Rifled Air Weapons – Not to be Classed as Section 5(1)(aba) Prohibited Weapons	<p>9.19 The Home Office view that low-powered self-loading rifled air guns are not subject to Section 5(1)(b) of the Firearms Act 1968 should be confirmed at the first legislative opportunity. [Paragraph 11.26] Legislation</p>
Controls on Air Weapons	<p>Tenth Annual Report</p> <p>10.4 The FCC do not recommend any changes to the provisions on power levels of air weapons not subject to licensing as such. [Paragraph 2.3] Firearms Review</p> <p>10.5 The FCC, with the exception of the GCN, do not favour bringing low-powered air weapons within the licensing system. [Paragraph 2.4]. Firearms Review</p>
Age Limits and Young Shots	<p>10.10 With the exception of the GCN, the FCC recommend that young people should be allowed in principle to possess firearms under appropriate controls [Paragraph 3.2] Firearms Review</p>
Deactivated and Replica Firearms	<p>10.12 The Home Office should draw up a revised, strengthened specification for the deactivation of handguns, including an alternative specification allowing for moving parts. [Paragraph 4.14] Legislation</p> <p>10.14 Primary legislation should provide that future deactivations must be to the current standards and certified accordingly by the Proof Houses. [Paragraph 4.14]. Legislation</p> <p>10.15 The Proof Houses should only provide replacement deactivation certificates for guns deactivated to the current standards. [Paragraph 4.14]. Legislation</p>

Pump-Action and Self-loading Shotguns (Large Capacity Magazine Shotguns)	10.21 A majority of FCC members favoured that there should be no change to the level of controls relating to long-barrelled, fixed stock, large magazine pump-action and self-loading shotguns [Paragraph 6.4]. Firearms Review
Self-Loading .22 Rimfire Rifles	10.23 A majority of FCC members recommend that conventional self-loading rimfire rifles should be permitted for vermin control and target shooting. The FCC has strong reservations about weapons of this kind designed to look like military assault weapons [Paragraph 8.3] Firearms Review
Muzzle-loading Revolvers	10.24 A majority of FCC members favoured that there should be no change to the present controls on muzzle-loading revolvers. [Paragraph 9.4] Firearms Review
Antique Firearms Principles	10.27 The FCC agree that an exemption for older firearms that pose no realistic danger to public safety should be maintained. [Paragraph 12.5] Firearms Review
	10.28 The FCC recommend that the current Home Office guidance on antique firearms with a list of calibres considered obsolete should be continued. [Paragraph 12.8] Firearms Review
Classes of Firearms to be Exempted	10.30 Antique rifles held under Section 58(2) should not be fired without compromising their status as a ‘curiosity or ornament’. However, we would recommend that the police continue to take a sympathetic approach to such weapons being held on a firearms certificate and fired occasionally. [Paragraph 12.11] Firearms Review
Component Parts of Firearms	10.36 The definition of ‘component part’ set out in chapter 13 of this report should be adopted as best practice and in due course incorporated into law. [Paragraph 13.20] Firearms Review
	10.39 An exemption for sub-contractors handling a limited range of parts of prohibited firearms should be considered further. [Paragraph 13.23] Legislation
Disclosure of Criminal Convictions	10.40 An exemption should be introduced in the Data Protection Act to permit the disclosure by the police to approved clubs of application for membership. [Paragraph 15.2] Legislation

Pump-action Full-bore Rifles

10.41 The prohibition on full-bore pump-action rifles in the Firearms (Amendment) Act 1988 should be retained. [Paragraph 15.14]
Firearms Review

Eleventh Annual Report**Power Rifles**

11.2 The FCC recommends the Government should take steps to prohibit certain powerful (materiel destruction) rifles, based on their muzzle energy and not by name. Any prohibition should make exceptions for certain rifles as indicated at paragraph 2.6 herein. [Paragraphs 2.4-2.9].

Legislation**Long Barrelled Revolvers**

11.3 The FCC recommends that the Government should seek to ban those revolvers which have wrist braces or similar extensions to the pistol grip. It is further suggested that such a ban might be extended to all those revolver guns without a permanently attached shoulder stock. [Paragraph 2.14].

Age Limits and Young Shots

11.7 The FCC recommends that any changes in the law, to allow the supervised use of firearms, should be drafted in terms encompassing the following: “no person qualified to supervise the use of firearms, by young shooters, shall supervise the possession or use of firearms by more than one person at any one time, save and except properly organised target shooting”. Clarification of what constitutes ‘properly organised target shooting’ for these purposes should be given by way of guidance. [Paragraph 4.11].

Legislation

11.8 The FCC recommends that there should be a provision to allow any firearm certificate holder aged over 21 with three years relevant experience to give temporary possession of his gun to anyone else, subject to any conditions on his certificate, for activities connected with quarry shooting. For a recipient under eighteen this would require direct one-to-one supervision and over eighteen this would need the FAC holder to be in the presence of the recipient. [Paragraph 4.12].

Legislation

11.9 The FCC recommends a provision to allow any shot gun certificate holder of age 21 or over, with three years experience, to give temporary possession of a shot gun to anyone else. Supervision to be subject to the rules recommended for FAC holders (as above in 17.8). [Paragraph 4.13].

Legislation

11.10 The FCC recommends that the following age limit should apply to the use of firearms:

- Under 14 – can use any weapons only when supervised on a one-to-one basis by a suitable person.

- Between 14 and 17 – can obtain a FAC if able to meet the qualifying criteria, but if not be able to borrow weapons with the proper supervision.
- 17 and over may obtain a FAC and SGC in their own right (this is unchanged).
- Between 17 and 21 – not entitled to supervise in the use of firearms. [Paragraph 4.14].

Legislation**Good-reason for Shotguns**

11.11 The FCC recommends that there should be a single test of ‘fitness’ for ‘good reason’ to possess a shotguns at grant and renewal. [Paragraph 5.32].

Legislation

11.13 The FCC recommends that the question of ‘fitness’ in relation to ‘good reason’ should be addressed when a suitable legislative opportunity arises; the question of ‘good reason’ should not be addressed in isolation from such a change. [Paragraph 5.36]

Firearms Review**Deactivated Firearms**

11.14 At present if the owner of a deactivated firearm loses his certificate and applies for another one, the Proof Houses have no authority to insist that the weapon is deactivated to current standards. As a result they can only ask for the weapon to be resubmitted to ensure that it meets the 1988 standards. The FCC recommends, as it has previously, that this should be amended so that the Proof Houses would only issue duplicate certificates for guns deactivated to the *most recent* standards. In order for this to have practical effect there ought to be a requirement for the certificate to remain with the gun. [Paragraph 6.4].

Legislation

11.16 With regards to deactivated firearms the FCC recommends that the Government should adopt and promulgate the proposed “B” specification. [Paragraph 6.6].

11.17 The FCC recommends that the Government should continue to press for strong and effective standards on deactivation in the international context. [Paragraph 6.7].

Legislation**Research Issues NHS Reporting System**

11.25 The FCC recommends that the procedures governing the reporting of injuries by the NHS, involving firearms, should be reviewed as part of its work for the next year. [Paragraph 7.14].

Legislation. Firearms Review

11.30 The FCC recommends that any controls on component parts of ammunition do not extend to inert metal components such as bullets and cartridge cases. [Paragraph 8.7]

Legislation. Firearms Review

11.31 The FCC recommends that the existing provisions on the sale of shot gun cartridges should be retained in their present form as controls might fall more heavily on legitimate owners rather than criminals. [Paragraph 8.8].

Legislation. *Firearms Review*

**Air Weapons Enforcement
of existing law**

11.41 Where the police have been called to an incident, which involved the misuse of an air weapon, the FCC recommends that the forfeiture of the weapon should be considered irrespective of whether criminal proceedings are instituted. [Paragraph 9.22].

Legislation. *Firearms Review*

Lethality

11.42 The FCC recommends that a statutory threshold of one joule (0.7376 ft/lbs.) muzzle energy should be embodied in primary legislation. Any Air weapon which exceeded this limit should be deemed to be a firearm, for the purposes of the Firearms Acts. [Paragraph 10.2].

Legislation

**Administration of the
Firearms Act**

11.48 Whilst acknowledging the practical problems, the FCC recommends that referees should continue to form part of the firearms licensing system. [Paragraph 15.3].

Legislation. *Firearms Review*

11.53 The only recourse at present to appeal against the imposition of a condition on a certificate is to apply for a costly and potentially cumbersome Judicial Review and the FCC recommends that the whole question of appeals should be reviewed when a suitable legislative opportunity next arises. [Paragraph 15.10].

Legislation

ANNEX B

Firearms (Amendment) Act 1988

Firearms Consultative Committee

22.—(1) There shall be established in accordance with the provisions of this section a Firearms Consultative Committee consisting of a chairman and not less than 12 other members appointed by the Secretary of State, being persons appearing to him to have knowledge and experience of one or more of the following matters—

- (a) the possession, use or keeping of, or transactions in, firearms;
 - (b) weapon technology; and
 - (c) the administration or enforcement of the provisions of the principal Act, the Firearms Act 1982 and this Act.
- (2)** The reference in subsection (1)(a) above to the use of firearms includes in particular a reference to their use for sport or competition.
- (3)** Subject to subsection (4) below, a member of the Committee shall hold and vacate office in accordance with the terms of his appointment.
- (4)** Any member of the Committee may resign by notice in writing to the Secretary of State; and the chairman may by such a notice resign his office as such.
- (5)** It shall be the function of the Committee—
- (a) to keep under review the working of the provisions mentioned in subsection (1)(c) above and to make to the Secretary of State such recommendations as the Committee may from time to time think necessary for the improvement of the working of those provisions;
 - (b) to make proposals for amending those provisions if it thinks fit; and
 - (c) to advise the Secretary of State on any other matter relating to those provisions which he may refer to the Committee.
- (6)** The Committee shall in each year make a report on its activities to the Secretary of State who shall lay copies of the report before Parliament.
- (7)** The Secretary of State may make to members of the Committee such payments as he may determine in respect of expenses incurred by them in the performance of their duties.
- (8)** The Committee shall cease to exist at the end of the period of five years beginning with the day on which this section comes into force unless the Secretary of State provides by an order made by statutory instrument for it to continue thereafter, but no such order shall continue the Committee for more than three years at a time.

**The Firearms (Amendment) Act 1988
(Firearms Consultative Committee) Order 2002**

2. The Firearms Consultative Committee shall, following the expiry of the period of its existence specified in article 2 of the Firearms (Amendment) Act 1988 (Firearms Consultative Committee) Order 2002, continue to exist for a period of two years beginning on 1st February 2002.

ANNEX C

Biographies of members relevant to their appointment to the Committee and record of attendance at meetings 2002/03 [in brackets] (including sub-Committee meetings)

Mr B Carter [5/5]	Vice President of the British Shooting Sports Council. Previously a registered Firearms Dealer, former Director of the Gun Trade Association and Clay Pigeon Shooting Association. An active game and vermin shooter for most of his life.
Mr B Dalton [5/5]	Royal Society for the Protection of Animals
Mr C A Ewing [5/6]	Vice President of the National Rifle Association.
Mr M Fuchter [2/4]	HM Customs & Excise Restrictions & Sanction Team
Mr A Green [1/1]	Deputy Chief Constable Greater Manchester Police
Mr J Hart [1/2]	Assistant Commissioner City of London Police and former Chairman of the ACPO firearms licensing sub-group.
Mr W Harriman [5/8]	Director of Firearms of the British Association for Shooting and Conservation; Member of the Academy of Experts and Law Society registered expert witness in the field of firearms, ammunition and ballistics; member of the British Shooting Sports Council. Weapons and Militaria consultant for BBC TV 'Antiques Roadshow'; firearms and weapons historian, writing regularly in the shooting/collecting press and in learned journals; former Territorial Army officer (Captain).
Mr D Henderson [2/5]	Scottish Executive Justice Department
Mr J Hoare [3/5]	Secretary of the National Small-Bore Rifle Association
Mr P Johnson [7/7]	Secretary of the British Shooting Sports Council
Mr M Lobb [7/8]	Firearms Licensing, Thames Valley Police and formerly Firearms Licensing Manager Northamptonshire Police.
Mrs G Marshall-Andrews [4/7]	Chair, Gun Control Network
Mr D S McCrone [1/1]	Former Deputy Chief Constable, Greater Manchester Police, Chairman of the Association of Chief Police Officers Sub-Committee on the Criminal Use of Firearms
Mr D Mellor [3/5]	Deputy Chief Constable Fife Constabulary.
Mr K O'Callaghan [7/8]	Forensic Science Service.

- Mr D J Penn**
[8/8] Keeper, Exhibits and Firearms, Imperial War Museum. Fellow of the Society of Antiquaries. Liveryman of the Worshipful Company of Gunmakers. A Vice President of the Muzzle Loaders Association of Great Britain and of the Historical Breechloading Smallarms Association. Former member of British Shooting Sports Council. Member of the Arms and Armour Society, National Rifle Association and Muzzle Loaders Association of Great Britain. Has also represented Oxford University and County of London in pistol shooting. Also shoots rifle and shotgun.
- Mr R J Pitcher**
[4/5] Special Investigation Branch, Royal Military Police to 1984. Branch Proof Master, Worshipful Company of Gunmakers, Royal Small Arms Factory, Enfield to 1986. Proof Master, Worshipful Company of Gunmakers, London and head of British delegation to the Commission of International Proof. Pistol shot and rough shooter.
- Mr R Sanbrook**
[1/1] HM Customs and Excise, Criminal and Enforcement Policy Group.
- Mr M Scoggins**
[3/5] Solicitor who has worked on a number of firearms cases, including Lord Cullen's Public Enquiry into the tragedy at Dunblane.
- Professor J Shepherd**
[3/5] University of Wales College of Medicine. Department of Oral Surgery and Pathology. A surgeon and specialist in firearms wound ballistics and active with Victim Support.
- Ms M Swainbank** [3/5] Defence Manufacturers Association
- Mr S Taylor**
[1/2] Chairman of the ACPO firearms licensing sub-group.
- Mr G Widdecombe**
[8/8] Head of Firearms Section, Public Order and Crime Issues Unit, Home Office.

ANNEX D

Interested parties which have submitted representations

Dr Elizabeth Anderson
Ms Phyllis Ashton
Mrs M P Attenwood
Ms P. Badger
Ms Joan Brown
Mrs Stella Dawson
Ms Patricia A Fowler
Mr Brian Fox
Mrs Maureen A. Fox
Mrs M Grassby
Ms Jean Harrison
Mrs J E Hexter
Mr Philip Ivey-Ray Esq.
Ms S. Jones
Ms J R Lilley
Mrs S. McIntosh
Mrs M A Miller
Mrs S Morris
Mrs Mary Rich
Mrs M J Roe
Mr D.C. Sage
Mrs P A Senior
Mrs J Stevenson
Mrs Maureen Stirk
Mrs M Swanwell
Ms Norma Thompson
Ms Georgina Tierney
Ms S. Turnbull
Mrs Mary Vaughan
Mrs E Wenford
Mrs P. Wilson

ANNEX E

Those attending FCC sub-group meetings (* FCC members)

Licensing by Category	*Mr Graham Widdecombe	Home Office
	Mr Mick Fidgeon	Essex Police
	Mr Colin Greenwood	Shooting Sports Trust
	Ms Chrissie Hall	Gun Control Network
	*Mr Patrick Johnson	British Shooting Sports Council
	*Mr Mike Lobb	Thames Valley Police
	*Mrs Gill Marshall-Andrews	Gun Control Network
	*Mr Kevin O'Callaghan	Forensic Science Service
*Mr David Penn	Imperial War Museum	
Firearms Review	*Mr Graham Widdecombe	Home Office
	Mr Paul Dale	Staffordshire Police
	*Mr Charles Ewing	The National Shooting Centre Ltd.
	*Mr Bill Harriman	BASC
	*Mr Mike Lobb	Thames Valley Police
	*Mr Kevin O'Callaghan	Forensic Science Service
	*Mr David Penn	Imperial War Museum
	Mr Peter Squires	Gun Control Network
Airguns Technical Working Group	*Mr Kevin O'Callaghan	Forensic Science Service
	*Mr Robert Pitcher	Proof Master
	Mr Tony Hall	Webley and Scott
	Mr Tony Belas	Day State
	Mr John Cooper	Falcon Pneumatic
	Mr Peter Martineau	BSA

ANNEX F

Part 6 of The Anti-social Behaviour Bill

Firearms

42 Possession of air weapons or imitation firearms in public place

(1) In section 19 of the Firearms Act 1968 (c. 27) (offence to carry firearm in public place) for the words from “a loaded shot gun” to the end of the section substitute –

- “(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.”

(2) In Part 1 of Schedule 6 to that Act (punishment) in the entry relating to section 19 –

- (a) in the second column (general nature of offence) for “loaded firearm” substitute “firearm or imitation firearm”, or
- (b) in the third column (mode of prosecution) after “not” insert “in the case of an imitation firearm or”.

(3) The following shall be inserted after paragraph 5 of Schedule 1A to the Police and Criminal Evidence Act 1984 (c. 60) (arrestable offences) –

“Firearms Act 1968

5A An offence under section 19 of the Firearms Act 1968 (carrying firearm or imitation firearm in public place) in respect of an air weapon or imitation firearm.”

43 Air weapons: age limits

(1) The Firearms Act 1968 shall be amended as follows.

(2) In section 22 (acquisition and possession of firearms by minors) –

- (a) in subsection (4) for “fourteen” substitute “seventeen”, and
- (b) omit subsection (5).

(3) In section 23 (the heading to which becomes “Exceptions from s. 22(4)”) in subsection (2) omit “or(5)”.

(4) In section 24(4) (offence to give air weapon or ammunition to person under fourteen) –

- (a) in paragraph (a) for “fourteen substitute “seventeen”, and

- (b) in paragraph (b) for “that age” substitute “the age of seventeen”.
- (5) In Part 1 of Schedule 6 (punishment) –
 - (a) in the entry relating to section 22(4) in the second column (general nature of offence) for “14” substitute “17”, and
 - (b) omit the entry relating to section 22(5).
- (6) In Part 11 of the Schedule (supplementary) –
 - (a) in paragraph 7 omit “or (5)”, and
 - (b) in paragraph 8 for “,(4) or (5)” substitute “or (4)”.

44 Prohibition of certain air weapons

- (1) The Firearms Act 1968 (c. 27) shall be amended as follows.
- (2) In section 1(3)(b) after “air pistol” insert which does not fall within section 5(1) and which is”.
- (3) In section 1 of the Firearms (Amendment) Act 1988 (c. 45) –
 - (a) in subsection (4), omit the word “or” at the end of paragraph (a) and after paragraph (b) insert –”,or”
 - (c) any air rifle, air gun or air pistol which is not for the time being specified in that subsection but appears to him to be specially dangerous,” ,and
 - (b) after subsection (4) insert –
 - “(4) An order under subsection (4) –
 - (a) may provide for a provision of the principal Act to apply with or without modification or exception in relation to anything added to subsection (1) of section 5 by the order,
 - (b) may impose conditions in respect of any application, modification or exception provided for by the order (which may, in particular, include provision requiring a person to obtain a certificate in accordance with an enactment referred to or applied by the order),
 - (c) may make provision generally or by reference to a particular purpose or circumstance,
 - (d) may confer a function on the Secretary of State or another specified person, and
 - (e) may make transitional, consequential or incidental provision.”

ANNEX G

D. J. Penn
Chairman
Firearms Consultative Committee
The Imperial War Museum
Lambeth Road
London
SE1 6HZ

28 April 2003

David Blunkett
The Home Secretary
The Home Office
50, Queen Anne's Gate
London
SW1H 9AT

Dear Mr Blunkett,

I am writing to you in my capacity as chair of the Firearms Consultative Committee (FCC) with reference to proposed changes in the firearms laws as embodied in the forthcoming Anti Social Behaviour Bill.

At the last meeting of the FCC on 16 April 2003, a majority of members expressed concern at section 43 of Part 6 of the Bill. This would raise the age limit at which a young person may have access to air weapons from 14 to 17, without the supervision of an appropriate adult.

It was felt that the provisions of section 42 whereby an offence has been created for the possession of an air weapon in a public place without lawful authority or reasonable excuse, is more than sufficient to tackle the problem of misuse with these guns. Indeed this particular part of the proposed bill received almost unanimous support.

We do have an alternative proposal which would be to create an offence of allowing air gun pellets to stray outside the curtilage of a private property. This should address concerns of 'private land' being used as a shield from prosecution. This amended approach would also not further erode the ability of shooters to practice their sport at the age they or their parents choose.

We have further looked at the current proposals for dealing with 'weapons that use the air cartridge system'. These proposals have been put forward to deal with conversion of these guns to fire live rounds of ammunition. It is being dealt with by section 44 of the proposed Anti Social Behaviour Bill. The consensus of opinion within the FCC is that the provisions as they stand are far too wide. If it is the intention to

deal with the misuse through convertibility of these guns, then the legislation should specifically identify them. If they are to be banned then this should be done by making them a prohibited weapon and being treated as current section 5 prohibited weapons are. Further there is no provision for any compensation or a buy in scheme. It is a view of a majority of the committee, including those who are police officers, that compensation should be paid at a realistic and appropriate level for all of these guns and their accessories. Otherwise we are concerned that these proposals will have less effect than they might on persuading those owners who are not already part of the legitimate shooting community to give up these arms.

Concerns were also expressed that the action as proposed would render the guns valueless to the owner. This is because even if a person were allowed to hold one on a certificate, they are banned from selling or transferring it at any future date. We are advised that this may amount to an appropriation within the meaning of the Human Rights Act.

Yours sincerely

David Penn
Chairman Firearms Consultative Committee

ANNEX H

List of publications relevant to the Report

Firearms Act 1920	The Stationery Office ISBN 0 10 8504107
Firearms Act 1968	The Stationery Office ISBN 0 11 802339
Firearms (Dangerous Air Weapons) Rules 1969	The Stationery Office ISBN 0 11 090047 2
Firearms Act 1982	The Stationery Office ISBN 0 10 5431826
Firearms (Amendment) Act 1988	The Stationery Office ISBN 0 10 5445886
Firearms (Amendment) Act 1992	The Stationery Office ISBN 0 10 5431923
Firearms Acts (Amendment) Regulations 1992	The Stationery Office ISBN 0 11 0259025
Firearms (Dangerous Air Weapons) (Amendment) Rules 1993	The Stationery Office ISBN 0 11 034490 1
Firearms (Amendment) Act 1994	The Stationery Office ISBN 0 10 543194 X
Firearms Rules 1989	The Stationery Office ISBN 0 11 0968549
Firearms (Amendment) Rules 1992	The Stationery Office ISBN 0 11 0258924
Firearms (Amendment) Act 1988 (Firearms Consultative Committee) Order 1993	The Stationery Office ISBN 0 11 033390X
Firearms (Amendment) Act 1988 (Firearms Consultative Committee) Order 1996	The Stationery Office ISBN 0 11 063514 0
Firearms (Amendment) Act 1997	The Stationery Office ISBN 0 10 540597 3
Firearms (Amendment) Act 1997 (Commencement)(No 1) Order 1997	The Stationery Office ISBN 0 11 064333 X
Firearms (Amendment) Act 1997 (Commencement)(No 2) Order 1997	The Stationery Office ISBN 011 064559 3

Firearms (Amendment) Act 1997 (Commencement)(No 2) (Amendment) Order 1997	The Stationery Office ISBN 011 064572 3
Firearms (Amendment) Act 1997 (Firearms of Historic Interest) Order 1997	The Stationery Office ISBN 0 11 064571 5
Firearms (Amendment) Act 1997 (Transitional Provisions and Savings) Regulations 1997	The Stationery Office ISBN 011 064570 7
Firearms Law: Guidance to the Police 1989	The Stationery Office ISBN 0 11 3409036
Home Affairs Committee Fifth Report Possession of Handguns	The Stationery Office ISBN 0 10 550526 9
The Public Inquiry into the Shootings at Dunblane Primary School on 13 March 1996	The Stationery Office ISBN 0 10 133862 7
The Public Inquiry into the Shootings at Dunblane Primary School on 13 March 1996 - The Government Response	The Stationery Office ISBN 0 10 133922 4
Firearms Consultative Committee First Annual Report	The Stationery Office ISBN 0 10 2543909
Firearms Consultative Committee Second Annual Report	The Stationery Office ISBN 0 10 257491X
Firearms Consultative Committee Third Annual Report	The Stationery Office ISBN 0 10 2074933
Firearms Consultative Committee Fourth Annual Report	The Stationery Office ISBN 0 10 0210333
Firearms Consultative Committee Fifth Annual Report	The Stationery Office ISBN 0 10 248894 0
Firearms Consultative Committee Sixth Annual Report	The Stationery Office ISBN 0 10 258895-3
Firearms Consultative Committee Seventh Annual Report	The Stationery Office ISBN 0 10 277196-0
Firearms Consultative Committee Eighth Annual Report	The Stationery Office ISBN 0 10 270598 -4

Firearms Consultative Committee Ninth Annual Report	The Stationery Office ISBN 0 10 552176-0
Firearms Law: Guidance to the Police (2002)	The Stationery Office ISBN 0 11 371273-8
Firearms Consultative Committee Tenth Annual Report	The Stationery Office ISBN 0 10 556624 -1
Firearms Consultative Committee Eleventh Annual Report	The Stationery Office ISBN 0 10 291351-X
The Anti-Social Behaviour Act 2003	The Stationery Office ISBN 0 10 5438030
The Criminal Justice Act 2003	The Stationery Office ISBN 0 10 5444030