



HOME OFFICE CONSULTATION ON NEW LEGISLATION ON ANTIQUE FIREARMS

A RESPONSE BY THE BRITISH ASSOCIATION FOR SHOOTING AND CONSERVATION (BASC)

Introduction

With some 150,000 members, the British Association for Shooting and Conservation (BASC) is widely regarded as the major UK representative body for sporting shooting. BASC's expertise on firearms matters is widely recognised and we are routinely consulted by a variety of government departments and agencies (including the Home Office and DEFRA), as well as other statutory and non-statutory bodies, e.g. the National Police Chief's Council.

BASC is unique amongst UK shooting associations in having a specialist, eight man team dedicated to dealing with firearms matters. It is made up from former gun trade practitioners, police firearms licensing personnel, a former firearms licensing manager, former service personnel and others. Its expertise is nationally recognised. The team deals with upwards of 10,000 member enquiries p.a.

Many of BASC's members own antique firearms; a small number shoot them. Some members of the BASC Firearms Team have a particular interest in and specialised knowledge of antique firearms. BASC supports the wider ownership of antique and heritage firearms.

This response is **NOT CONFIDENTIAL** and BASC welcomes its wider dissemination to interested parties as part of the ongoing debate.

BASC wishes that the remarks made in response to this consultation should be construed as applying to the legal jurisdiction of any devolved administration within the United Kingdom.

NB. In keeping with current legal convention, where the masculine is used, it is assumed to encompass the feminine as well.

CONSULTATION RESPONSES

Section 1

Q1

BASC agrees that the ignition systems for antique firearms outlined at Annex A in the consultation are a good basis for the new regulations.

Q2

BASC agrees that the principle of having a list of obsolete cartridges is a good basis for the new regulations. However, before the content of that list is finalised, certain obsolete cartridges need to be added to it. BASC is pleased that its Director of Firearms has already been invited to meetings at the Home Office early in 2018 by officials. Further and better particulars of those cartridges that it believes should be added to the list will be provided at those meetings.

BASC asserts that no cartridge which is currently on the list should be removed from it as the case for such removal has not been made out. BASC accepts that some revolver cartridges on the list are being used with antique revolvers by criminals. However, the full extent of this as a proportion of all the criminal use of firearms, has yet to be fully disclosed. That needs to be done before any consideration for removal can be made.

Good law already exists to deal with people who carry otherwise antique revolvers and viable ammunition for criminal purposes. The exemption at Section 58(2) for antiques in the Firearms Act 1968 is composed of two limbs. Firstly the firearm must be an antique and secondly, it must be possessed etc. as “a curiosity or ornament”. In BASC’s experience, the second limb offers the best chance for a successful prosecution as any Defendant’s quality of possession is far more easily attacked. It is predicated upon intent rather than being more factually based as would be the age or obsolescence of an antique firearm. Possession of a 19th century revolver is easily defended on the grounds of age alone qualifying it to be an antique. However,

any circumstance that prejudices the quality of possession of that revolver is far harder to sustain.

In addition, the possession of viable, bulleted ammunition without authority is a criminal offence already. If of modern manufacture, it will undoubtedly call the Defendant's quality of possession of the firearm into question.

BASC asserts that rather than trying to solve the problem of the criminal use of some antiques, the Crown would be better prosecuting on the second limb rather than the first. It is unjust and wholly disproportionate to punish law abiding owners of antique firearms who have bought them in good faith over the last 25 years simply because of some criminal use.

Q3

BASC agrees that the list of air weapons at Appendix 5 is a good basis for the new regulations.

Q4

BASC prefers that 1951 be used for setting the upper limit for the date of manufacture of an antique firearm.

In proposing this date, BASC is reminded of the case of *R –v- Howells [1977] Q.B. 614* which held that a revolver of unquestionably antique design but which was made after 1951, could not be regarded as an antique firearm. It required a certificate to possess it. It flows from this that any firearm made prior to this date could be properly regarded as an antique for the first limb of the exemption.

Section 2

Q1

BASC strongly agrees with the proposal to set up a reference group to meet at least annually to monitor the situation regarding antique firearms. However, BASC strongly recommends that this should be statutory in nature. This would enable it to require the disclosure of any relevant information from any person or agency holding it. BASC holds itself ready to assist by serving on that group.

Q2

BASC believes that the setting of a regular timetable for reviewing the content of the new regulations should be at least every three years.

Q3

BASC has no alternative proposals for reviewing and updating the regulations.

Section 3

Q1

Joseph William Fletcher Harriman (known as Bill)

Q2

BASC owns approximately 15 antique firearms within its corporate collections.

Q3

British Association for Shooting and Conservation

Q4

Director of Firearms

Q5

BASC has a Rifle Club Firearm Certificate and is registered as a Firearms Dealer, North Wales Police No. 125.

Q6

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