

Violent Crime Reduction Bill Stakeholders Meeting – Number 1

Date	15 September 2005	Time 10:30
Location	The Quality Hotel Westminster Eccleston Square, London	
Chair	[REDACTED]	Secretary [REDACTED]
Present	<div><div>[REDACTED]</div><div>Home Office Historic Breechloading Smallarms Association Museums Weapons Group Museums Weapons Group National Association Re-enactment Societies British Toy & Hobby Association UK Athletics Ltd Shooting Sports Trust Gun Trade Association Association of Chief Police Officers -Firearms Licensing Association of Chief Police Officers –Criminal Misuse British Shooting Sports Council British Association of Shooting & Conservation National Rifle Association National Small-bore Rifle Association Forensic Science Service Bapty & Co United Kingdom Paintball Sports Federation United Kingdom Airsoft Site Governing Body Association of British Airsoft</div></div>	

1. The Chair opened the meeting by stating that Ministers were keen to hear from stakeholders about possible exemptions to the Violent Crime Reduction (VCR) Bill particularly Clause 30 and he proposed going through the clauses of the Bill that were relevant to stakeholders.
2. He was asked to clarify whether deactivated weapons were covered by the Bill and he confirmed that they were. However, he informed the stakeholders that we were looking at a possible exemption for deactivated weapons which could be discussed later in the meeting.
3. A point of principle was raised about the lack of proper consultation with stakeholders prior to the Bill being launched. The Cabinet Office guidelines state that 12 weeks should be allowed for consultation with stakeholders prior to the introduction a Bill and this clearly did not happen in this case.
4. The timetable for the Bills passage through parliament was also sought. The chair gave a brief overview of the passage of a Bill through parliament as follows:

The Bill is launched in House of Commons
2nd Reading in House of Commons
Committee Stage (Standing Committee B)
Report Stage in the House of Commons
Third Reading in House of Commons
2nd Reading in House of Lords
Committee Stage in House of Lords
Report Stage in House of Lords
Third Reading in House of Lords

House of Commons consideration of Amendments
Royal Assent

The best guess of how long this process will take is that the Bill should complete its passage through parliament by approximately March 2006.

5. Attendees felt that Ministers should have taken the time to attend the meeting as the few bi-lateral meetings that had taken place were timed late in the process after the Bill had already been launched. They expressed the view that the Bill was rushed and stressed again that the 12 weeks consultation period prior to launch did not take place. Their view was that this will result in a bad piece of legislation that will not address the problems that it is trying to address. The Bill as currently written was considered to be too vague and unclear.

6. Delegates stated that the Anti-Social Behaviour Act 2003 was rushed through and no assessment of the impact and outcomes of this legislation have been given. They expressed concern that once again there did not appear to be anything contained within the VCR Bill to measure the impact and outcomes of the legislation.

7. The Chair refocused the meeting to discuss in turn the various clauses of the VCR Bill that were relevant to the stakeholders.

8. Clause 26 – Age limits for purchase etc of air weapons

a) Stakeholders asked whether the Government was going to put forward any evidence to justify the rise of the age limit from 17 to 18 years. They expressed concern over the figures that the Home Office was using in relation to the VCR Bill and stated that they are grossly misleading. The way the Home Office record the data has changed and this has altered the figures which they claim have not changed significantly over the past 20 years. They clarified that the recording of criminal damage with firearms was changed from any damage worth £20 or more, to any damage regardless of the cost. They stated that the figures being quoted for offences being committed with imitation firearms were also grossly misleading and asked whether the Home Office were going to amend the figures for Ministerial briefing. The Chair pointed out that this was a matter for the Home Office and Ministers.

b) A query was made about an article in the Scotsman on 8 September entitled 'Clarke agrees new curbs on airguns sales'. The Chair explained that this was being considered and that Ministers will probably make an announcement in the next month.

c) A Home Office Minister had apparently stated in bi-lateral meeting with a stakeholder that there was a minority view for further restriction on air weapons. The question was therefore raised of whether the Home Secretary would be swayed by minority views. The Chair clarified that the Home Secretary has been known to be swayed by minority views.

d) The airsoft representatives asked whether definitions of lethality, velocity were going to be included in the Bill. The Chair stated that there was not going to be a definitive limit in the Bill and that the current definition of lethality was developed from case law and is a muzzle energy of 1 joule. Airsoft stakeholders expressed concern over the 1 joule definition of lethality as this would affect the ability of people to hire airsoft weapons which are mainly 1ft 11lb above the 1 joule limit. The Chair clarified that this should not be a problem as clause 26 only raises the age limit for purchase and hire of air weapons.

e) The paintball representative expressed concern because paintball guns operate at a higher velocity than 1ft 11lb. The Chair felt that this could be addressed with an exemption for paintball because the projectile disperses on impact.

f) Another stakeholder raised the issue of the rise in the age limits adversely affecting 17 year

old shooters or cadets who were under 18 as they would have to be accompanied by a 21 year old. The Chair invited the stakeholder to put forward representations on this in writing.

9. Clause 27 - Firing an air weapon beyond premises

The Chair explained that this was introduced to close a loophole in the current legislation as the police were unable to prosecute adults who had fired air weapons beyond their premises. Currently this offence only exists for children and adolescents. Stakeholders felt that this could adversely affect some genuine shooters who accidentally fired an air weapon beyond premises.

10. Clause 28 - Restriction on sale and purchase of primers

a) The Chair clarified that there was no intention for this clause to prevent home reloading. It introduces a requirement for traders and dealers to ask for sight of a certificate authorising customers to possess the ammunition or the relevant firearm.

b) Stakeholders suggested that clause 28 should be excluded from the Bill because it would have a major impact on the activities of re-enactors and the film and television industry particularly but it would not address crime. Most re-enactors do not have certificates because they use blank firing weapons and they currently do not need a licence to acquire blank cartridges or primers. Licensing of primers would therefore have the unintended consequence of forcing re-enactors to use real weapons rather than blank firers. The same would apply to the film and television industry which also uses blank firing weapons and cartridges, around 750,000. Clause 28 also affects authorised starters of races at athletics meets but authorised starters already have certificates for starter pistols which they would be able to produce to purchase primers.

c) The Chair conceded that the wording of this clause was flawed but explained that blank cartridges are ammunition and therefore will not be affected by this clause which deals with primers, a component part of ammunition.

d) C20th re-enactors fire and reload their own ammunition because ammunition of this type is no longer commercially available such as the WWII USA Blank Firing Browning. This necessitates purchase of primers to reload empty or spent cartridge cases. This will affect hundreds of re-enactors. Over 50% of re-enactors use blank firing weapons and 500-600 rounds are used over a weekend and these would need primers for reloading. A suggestion of getting dealers to reload the spent cartridges was considered to be too costly as it costs 20 times more to buy blank firing ammunition than to buy primers.

e) Ideas for an exemption were discussed including what documents other than a firearm or shotgun certificate could be produced by re-enactors to allow them to be excluded from this clause. The possibility of excluding percussion caps from clause 28 was explored but this would not help re-enactors. A distinction was made between percussion caps used by re-enactment societies etc and those used in toys. Although, they are called the same, they are not the same. Toy percussion caps are excluded from the definition in clause 28. Exemptions for particular groups such as re-enactors and the Film and Television industry needs to be explored and practical ideas of how this would work put forward.

f) The police confirmed that the weapons used by re-enactment societies did not appear to be used in crime but they did have some concerns about clause 28. There appears to be a loophole where people who have a certificate to possess firearms that are not to be fired could conceivably purchase primers and get around the conditions of the licence. Purchase by proxy is allowed and this is open to stolen certificates being used to purchase primers.

g) Stakeholders were concerned that there were contradictions in the sub-clauses. For example clause 28 3(c) allows the purchase of primers for persons with a certificate to possess a firearm of the relevant kind. This is open to interpretation and will cause problems. Re-enactors need

to be able to buy pistol primers which are used in cartridges for rifles. Dealers could end up debating with customers whether they have a licence for a firearm of the relevant kind.

h) The Chair acknowledged the views and concerns expressed which he would endeavour to feed into the debate.

11. Clause 29 - Restriction on sale and purchase of ammunition loading presses

a) The Chair stated that this clause was a light handed approach to misuse as it only required people to produce a licence for the purchase of ammunition loading presses.

b) Stakeholders firstly needed clarification of whether the clause would include reloading tools for antique and historic firearms. They pointed out that re-enactors would need loading presses to enable them to reload spent cartridges. A possible exemption for antique reloading equipment and shotgun ammunition should be considered as these do not feature in crime. They then suggested that, as this was not mentioned in the Labour Party manifesto the clause could be dropped from the Bill completely. The controls on primers in clause 28 make this clause irrelevant and therefore it should be excluded from the Bill. Another alternative is for the clause to be restricted to metallic ammunition.

c) Stakeholders expressed dismay that this and other meetings with them were undertaken as a gesture only as was the case with the Firearms Amendment Act 1997 and the Anti Social Behaviour Act 2003. They sought an assurance that, if very powerful arguments were put forward to the Standing Committee to remove this clause from the Bill, this would be given due consideration.

d) The Chair assured the attendees that all the arguments for and against this clause would be put to Ministers who would be fully briefed.

12. Clause 30 - Manufacture, import and sale of realistic imitation firearms

a) The Chair clarified that the definition of realistic imitation firearms given in sub-section 8 of this clause was linked to Section 57 of Firearms Act 1968 which defined an imitation firearm and whether the imitation was readily convertible.

b) Attendees could not understand why controls were being placed on imitation firearms when lethal firearms such as air weapons were not being controlled. The argument that this clause would tackle misuse is flawed because millions of realistic imitations would still be held. They had not been given the opportunity to consult about the Bill prior to its Second Reading and suggested that a way forward would be to remove the sale of realistic imitations from the clause and just restrict their use.

c) Police research shows that when BB guns or airsoft weapons are used in crime the average age of both the offender and victim is 13 years. These offences are included in the crime statistics and the use of imitation firearms in crime is on the increase. The Chair clarified that Ministers anticipated that the bill would take 100 years to have an affect on criminals.

d) The consensus view was that this clause would have an adverse impact on legitimate users immediately and that it would increase the danger to public safety not reduce it, as criminals would use lethal firearms rather than imitations to commit crime. This would also encourage re-enactors to use real weapons rather than imitations in their legitimate activities.

e) The stakeholders asked for clarification of whether this clause would definitely remain within the Bill and an indication of how widely Ministers were looking at this. The Chair confirmed that clause 30 would remain and that Ministers were taking a broad perspective.

f) Attendees felt aggrieved that re-enactors and the film and television industry have been

encouraged by the Government to use deactivated weapons rather than real firearms and the Bill will have an adverse impact on their activities. They claimed that the Forensic Science Service have stated that deactivated weapons have not been a problem as they are relatively expensive.

g) Delegates suggested that a case should be made by the Home Office to Ministers for deactivated weapons to be excluded from the Bill. However, the police felt that it would not make sense to control imitation firearms and to exempt deactivated weapons because deactivated weapons will be realistic. Victims cannot distinguish between imitation, replica, deactivated and real weapons. The Chair added that the Government could be pilloried for controlling imitation firearms and allowing air weapons and deactivated weapons.

h) Stakeholders claimed that the use of deactivated weapons in crime had gone down and the police had no evidence to suggest that deactivated weapons are used to threaten people. They proposed that post 1995 deactivated weapons is one group that could be excluded from the Bill. Deactivated weapons are collected by many people and the effect of the Bill as it stands would be to destroy the value of these collections. This would be a clear case for compensation under the Human Rights Act. The film and television representative stated that imitation and deactivated weapons accounted for £3million worth of business annually.

i) Museums currently use deactivated weapons daily and carry out hands on demonstrations which they would no longer be able to do under the Bill as it stands. Museums would like the ability to maintain, study, educate and to update their collections with new examples of weapons and to demonstrate them. Many museums do not have a Museums Firearms Certificate because they only have deactivated weapons and prior to this Bill no licences were needed for these weapons. The Bill raises a Heritage issue because weapons currently in private hands could become of historical interest in the future. New groups of re-enactors are emerging all the time including Vietnam and Gulf War re-enactment. Re-enactors will need blank firers and deactivated weapons.

j) The delegates pointed out that section 30(1)(b) of the Bill outlaws the process of deactivation. There are currently £200 million worth of deactivated weapons in the UK and there is no way of knowing if current holders sell on these weapons or imitation firearms. This Bill is therefore unenforceable and does not impact on the people it is aimed at. They suggested that section 30(1)(b) of the Bill should be removed. The Chair clarified this subsection stating that it would cover eventualities such as an unrealistic toy gun being sprayed black and thus becoming a realistic imitation.

k) Attendees asked whether weapons already held can be passed on in a will and the Chair confirmed that this can be done.

l) The Chair concluded from the arguments put forward that we needed to be looking at the possibility of exempting groups from the Bill rather than categories of weapons. Stakeholders felt that even this was fraught with difficulties as if you exempted Museums from section 30(1)(c) to enable them to buy imitation firearms you would also need to exempt firearms dealers to sell the weapons because the various parts of the industry are interwoven.

m) Attendees re-iterated that the Anti-social Behaviour Act 2003 has not been given enough time for there to be an assessment of how it is working. They added that too much legislation will paralyse the system and clause 30 will not solve the crime problem but it would destroy the firearms industry. Shooting will be destroyed within 15 years if the Bill is passed in its current form. Approximately 30 million replicas will remain in private hands and the public will see the Bill is not practical.

n) Representatives from the film and TV industry in the UK which is worth £1 billion per annum stated that this industry could also be destroyed by the Bill. Survival depended on the manufacture of imitation weapons which is vital to maintain supplies in the industry.

o) Starters of races at athletics meets who are newly qualified are not allowed to have a licence until two years of practice. They need to have access to blank firing weapons to train them when newly qualified to gain the expertise to hold a licence after two years. Licensed starters number around 150 and they could use real firearms. An electronic system for starters is being developed with a prototype in the Midlands. The electronic system is only useful with photo finish systems. The two issues are that there needs to be a sound and a visible flash to signal to the athletes, timing system and the crowd the start of the race. The flash is particularly important to start the timing system. The Chair stated that starter pistols do not need to look realistic therefore manufacturers needed to develop an alternative.

p) The Chair stated that there needed to be greater certainty of the definition of realistic imitation firearm to enable us to be as clear as we can at Committee Stage. He agreed to circulate a list of the MPs sitting on the Commons Standing Committee. He added that he would like to give the Standing Committee more detailed proposals on exemptions and how they would be handled.

q) The attendees stated that toys had their own voluntary Code of Practice which is standard, a red blaze is placed on all toys to distinguish them from real guns. The code could potentially be used for a regulation for toys and they would like to explore the possibility of a regulation to cover imitations. The CE mark is an EU mark that indicates the safety of the product but this could be linked to a regulation.

r) Attendees then discussed the definition of realistic imitation firearm and agreed that a gun that is not an imitation firearm cannot be a realistic imitation firearm and that an objective definition should be applied. The phrase "for all practical purposes" needs clarification. We need to define when and how the imitation firearm should be viewed. The addition of the words "for a criminal purpose" would mean that there is no need to worry about definitions. They felt that manufacture was essential but it would be difficult to get an exemption for manufacture for a specific purpose. The alternatives were to allow manufacture or imports but to ban both would destroy the industry. The film and television suppliers currently manufacture some of their own imitations such as rubber guns and this would no longer be possible under the Bill.

s) The Chair stated that manufacture for a purpose could be pursued and there could be an exception to the ban on manufacture for e.g. film and theatre. A suggestion that manufacturers could become registered firearms dealers was discussed as the police firearms licensing departments could cope with this but the Chair felt that Ministers were unlikely to accept this suggestion. Another suggestion was that a particular type of marking on imitation firearms should take them out of the category of 'realistic imitation'. The Chair agreed to explore this possibility further i.e. making the marking 3 inches or the whole barrel to be marked. The airsoft industry would not benefit from this because players would stand out thus defeating the whole purpose of this activity. Re-enactment and film and TV would not benefit as the items they use need to look realistic.

t) The plight of training gundogs was discussed. Blank firing weapons are used to train gundogs and these are mainly small calibre blank firing pistols and attendees could see no alternative to this.

u) The representative of airsoft organisations stated that there were 20 dedicated airsoft retailers with 100 sites and 10,000 players. They felt that their activities could be controlled through the retailers. The Airsoft industry has its own Code of Conduct which already prohibited the selling of airsoft weapons to persons under the age of 18. Retailers are needed to sell to the airsoft industry, practical shooters, re-enactors and the film, television and theatre industry. Dedicated airsoft retailers would be registered firearms dealers and could supply to all of the above categories.

v) The Chair explained that Ministers wanted to cap off the supply of realistic imitation firearms but to allow for certain exceptions. A suggestion that the case be put to Ministers that the Bill would not work was considered by the Chair to be futile as it was highly unlikely that Ministers would withdraw the Bill.

w) Self-regulation was then suggested as a way forward as section 30(3) of the Bill would allow this and this would not be politically sensitive. The Bill could have an exception stating that dealers could only sell to bonafide organisations that were included on a Home Office approved list. The representative from paintball stated that the majority of the weapons used in paintball activities did not look realistic but military paintball games are becoming more popular and those guns are more realistic. Self-regulation and or the possibility of markings on the weapons could be used for an exemption for this activity. An example of self-regulation is the Martial Arts industry. The Association of British Airsoft agreed to supply information about the Martial Arts model as something similar could be pursued by the airsoft industry.

x) Stakeholders raised the issue of whether the Regulatory Impact Assessment considered the impact of the Bill in relation to our EU obligations such as the UK introducing different legislation on firearms to other countries in the EU.

12. Clause 31 - Specification for imitation firearms

a) The discussion then moved onto section 31(a) and (b). The Firearms Advisory Committee could have looked at specifications or a working party on specifications. The Chair put forward the possibility of preserving regulations and seeking more time to work on the specifications. Attendees felt that this was the only practical solution as it would be absurd to leave interpretation of the Bill to the courts. A definition is needed and clarification of whether an objective or subjective test will be applied to the Bill. The possibility of adapting aspects of the code of practice for toys to imitation firearms was put forward. In criminal law RGB and R it is a subjective test that is applied. The courts would only apply an objective test if the Bill states explicitly that an objective test is to be applied. The Chair agreed to pursue this matter with Ministers.

13. Clause 32 – Supplying imitation firearms to minors

a) Attendees noted that toys such as cowboy guns would be covered by this clause as it does not state realistic imitations. Clause 32 deals with all imitations because youngsters misuse all types of imitation firearm.

b) The airsoft representatives had no objection to the rise in age to 18 for the purchase of imitation firearms but they were concerned about the ability of airsoft players to sell weapons second hand. People move from one type of airsoft activity to another and would need to change the equipment to that suitable to the new activity. Therefore a mechanism is needed for second hand sales between legitimate users.

13. Clause 33 – Increase of maximum sentence for possessing an imitation firearm

Stakeholder had no objection to the increase in maximum sentence but noted that the Anti-social Behaviour Act did not go far enough on this which has necessitated this clause in the VCR Bill.

14. Attendees requested that a statement of the objectives of the Bill and how this was to be measured should be provided. The Chair explained that this had already been provided in the Explanatory Notes of the Bill and the Regulatory Impact Assessments.