

The ineffectiveness of firearm controls in preventing armed crime or Improving the safety of the public.

There are huge numbers of legally held shotguns in this country, their owners being honest and responsible people, who cause no threat to anyone. It must be appreciated that any further attempts at restrictive legislation will be ineffective as regards to the alleged reasons put forward of public safety by those who would do so.

In some circles it has been known for ten years that the Home Office and ACPO have wanted to extend the full implications of the section one firearms limitations to all shotguns and their owners in this country.

This was not for any grounds of public safety as is so often stated, but rather one of power and control over the law-abiding population.

Indeed, if public safety considerations were paramount, then all energies would be better employed in the confiscation and removal of the semi-automatic pistols* and fully automatic weapons (machineguns**) so favoured by the criminal classes. These guns are illegally imported and are prohibited weapons, being already banned by the 1937** and 1997* firearms acts.

The impending disaster to shotgun sports and shooting in general of the proposed section one firearm 'Good Reason' Requirement

At first glance the so called 'good reason' requirement for owning a section one firearm might seem a reasonable approach, but unfortunately its infamous abuse by both the Home Office and the police alike, has rendered it a dubious vehicle for removing and/or preventing the law abiding members of the public from both obtaining and continuing to use firearms in their possession.

The issue is that the 'good reason' requirement is treated by the Home Office as a movable shrinking feast. Initially it is applied in an almost reasonable manner, but then the officially approved 'good reasons' start to shrink, until entire sections of firearms are eliminated completely.

The modus operandi

For irrefutable proof of this ongoing agenda, we have only to look at the scope of the 'good reason' requirement when the 1920 firearms act was first applied. Those that drafted the act were extremely mindful of the

implications of the English common law rights as stated in Blackstone's treatises of 1830, which were held by government as an accurate statement of the law even up to the 1968 shotgun controls and well beyond.

Excerpts from Blackstone's treatises of the English common law from 1830:

"liberties that are more generally talked of than thoroughly understood; and yet highly necessary to be perfectly known and considered"

"these rights consist, primarily, in the free enjoyment of personal security, of personal liberty and of private property. So long as these remain inviolate, the subject is perfectly free; for every species of compulsive tyranny and oppression must act in opposition to one or other of these rights, having no other object upon which it can possibly be employed."

"To preserve these from violation, it is necessary that the constitution of Parliament should be supported in its full vigour; and limits, certainly known, to be set to the royal prerogative. And... to vindicate these rights, when actually violated and attacked,"

"and, lastly, to the right of having and using arms for self preservation and defence."

'and all these rights and liberties it is our birthright to enjoy entire: unless where the laws of our country have laid them under necessary restraints; restraints in themselves so gentle and moderate, as will appear upon further enquiry, that no man of sense or probity would wish to see them slackened'.

'For all of us have it in our choice to do everything that a good man would desire to do; and are restrained from nothing, but what would be pernicious either to ourselves or to our fellow citizens'.

When the 1920 firearms law was enacted, the use of a pistol for self-defence was indeed deemed to be a good reason, so there were large numbers of firearm certificates issued in such cases.

As large numbers of these pistols were already owned prior to the introduction of the 1920 act and if self-defence had not been allowed as a 'good reason', then it is most unlikely that the 1920 act would have passed through parliament.

From 1937 onwards self-defence was no longer considered to be a 'good reason'; so that the large numbers of law abiding pistol owners, had their rights interfered with.

The ‘good reason’ requirement was reigned in by the Home Office, but in doing so, the common law rights were violated. The 1920 act was passed in parliament only because it was stated that these rights were to be continued and recognised within the new law, as long as the applicant was deemed to be of good character and a fit person to own firearms.

Unfortunately it may not have been transparently clear to all of the members of Parliament that a large part of these ‘inalienable rights’, were now subject to the whims of the Chiefs of Police.

In just 17 years after the 1920 act, these inalienable rights, which were repeatedly and robustly upheld by parliament, with each unsuccessful attempt to introduce any sort of firearms controls by the government, were violated and interfered with by the Home Office and its will enacted by the Police.

Quite why the law abiding were treated in this manner is subject to conjecture, but would hardly seem to be conducive to cordial relations between them.

This continual slapping down of the many proposed firearms bills went on for around half a century. The first bill to make it to the statute book was the very mild and ineffective 1903 pistols act, which was a heavily watered down version of a succession of several previously failed bills. Encouraged by finally getting some sort of firearms bill though parliament, this was then followed by the draconian 1920 firearms act.

It would appear that this shift of the ‘good reason’ requirement that contravened the common law rights to self defence was quite without legal authority, so its modification was not a reasonable imposition, but instead an instrument to be used for the purposes of disarming the law abiding.

This is backed up by the comments made in the house by Lt.-Commander Kenworthy MP during the debate of the 1920 bill:

‘In the past one of the most jealously guarded rights of the English was that of carrying arms. For long our people fought with great tenacity for the right of carrying the weapon of the day, the sword, and it was only in recent times that it was given up. It has been a well known object of the Central Government of this Country to deprive the people of their weapons’

The implications of section one firearm status for shotguns

The use of shotguns is widespread in this country and is practiced by a considerable percentage of the population.

The first ever controls for shotguns in this country were introduced in 1968, and required the user to apply for a shotgun certificate which would be granted by the police, unless there were sufficiently good grounds for not doing so. There were no other restrictions placed upon the user.

Prior to this date shotguns had been completely uncontrolled, with the 1968 controls being rushed through as a knee jerk reaction to the murder of three unarmed police officers by known criminals armed with stolen army service revolvers in 1966.

There was a massive outcry over the shootings and demands for the reinstatement of capital punishment for the murder of police officers.

A few short weeks prior to this (1966) there had been a full inquiry as to the need or otherwise of any controls on shotguns, its findings stated that any controls would not be worthwhile, as their use in crime was minimal and the large amount of police time that would be involved was simply not worth it.

In a desperate attempt to draw the fire of the complainants, the Home secretary (Roy Jenkins) who was an abolitionist, rushed out the shotgun controls bill.

This shotgun bill was hidden away as part V (the last section) of the 1967 Criminal justice Bill, so it attracted hardly any debate in parliament, as the rest of the Criminal Justice Bill was extremely complicated and contained some of the most far reaching changes to the British legal system yet contemplated.

It would perhaps be fair comment to wonder how on earth further shootings by known criminals armed with revolvers would be prevented by the 1968 shotgun controls?

The ownership of revolvers had been subject to the most severe firearms controls for 46 years at the time of the shooting, but this clearly had no effect on their acquisition whatsoever.

Shotguns today

Shotguns today are still subject to the certificate procedure being subject to the section two firearms controls, with the user needing a Shotgun Certificate, but there have been additional requirements.

After fulfilling the fit person requirements and the provision of adequately secure storage when not in use, the holder can acquire and dispose of shotguns to either a registered firearms dealer, or another license holder.

The firearms department of the force in question must however be informed in writing of every such transaction and the full details of all of the serial numbers of all shotguns currently held by the certificate holder.

Many different types and bores of shotgun may be required by many shooters to carry out their sporting activities, so the imposition of section one status and any ill-informed imposition of the Home Office ‘good reason’ requirement for each one will be a disaster.

For example a shooting man who has say nine 12bore shotguns (three pairs and three others) and a pair of 28bores in his possession, quite legally under the current rules, is clearly going to struggle to satisfy any overzealous interpretation of the infamously abused (by the Home Office and the Police) section one ‘good reason’ requirement.

The pair of 28bores may or may not get through the ‘good reason’ hoop, but how is a non-shooting person going to appreciate why so many 12bores are needed?

Understanding sportsmen would fully appreciate why there would be a legitimate need for them; with chokes chamber lengths barrel lengths etc all different for the varying demands of sport.

But, unless the firearms enquiry officer is a fully-fledged shooting enthusiast who also participates in identical forms of sport as the applicant, then there is bound to be friction over what does and does not constitute a ‘good reason’.

However even in this (highly unlikely) case, any dictat sent down from a higher level will have to be adhered to. It also means that when the screw is tightened still further by the machinations of the Home Office (as their past history has clearly shown us), the good reason limitations will be further eroded on an ongoing basis.

If anyone should question this eventuality, considering it erroneous, then perhaps the doubting individual should try enquiring into their chances of satisfying the current ‘good reason’ requirement for acquiring a pair of .22 rimfire rifles, which are of course subject to the full section one firearms controls.

Assuming that they fulfilled the fit person requirement to possess a firearm and that they would state that they (the pair of .22 rimfire rifles) would be used for identical sporting purposes, they would very quickly find out that this would be by no means an easy task, being downright impossible in most parts of the country.

A resounding NO would almost certainly be the answer!

The reasoning behind this would be that two identical rifles could not be justified, so the application would be refused.

To fully appreciate the implications of the Firearms act, the ‘good reason’ requirement must be seen for what it really is: a block that actively keeps down the numbers of guns held by the public. The decision to refuse here would have been made because it was available to the police to do so.

Clearly in the case of shotguns this official stance that ‘we do it because we can’ approach would be tantamount to a disaster for shooting sports.

Who is going to buy all of these shotguns that would surely flood onto the dealer’s shelves?

Is this negative decision arrived at on the basis of increased public Safety?

This can hardly be the case, as the applicant must have already satisfied the fitness to own firearms criteria, whether he or she own one or two rifles of identical calibre is irrelevant.

Appealing a decision

Upon notice of a refusal of a section one matter, the more fiscally secure applicants may then be able to appeal any such unfavourable decision regarding ‘good reason’ requirement to the high court, where they would have to rely on the discretion of a judge. But of course, the reality of those possessed of more modest means will be rather different.

Indeed it was much earlier, after the introduction of the 1920 firearms act, that appeals regarding section one firearms licenses had redress to the assizes (now the equivalent of Magistrates Courts).

Due to large volumes of appeals of the overzealous police application of the act, and after they complained to the Home Office, the appealing of such decisions in this manner was curtailed, with the imposition of the much more potentially expensive higher court proceedings instead.

This change would also appear to be in violation of the stated English common law rights, being one of the pivotal safeguarded arguments that allowed the passage of the 1920 act through parliament, as the applicant would have free access to the courts of appeal.

This change from lower to higher courts for the appeal procedure, was grossly unfair and almost certainly contravened the spirit of the English common law and should be overturned in the interests of fair play and even-handedness.

The potentially complicated issues of buying and selling under the section one Firearms rules

At present the owner of a shotgun can sell his or her gun without undue interference, apart from the requirement to notify the relevant firearms department of the details of the transaction by registered or recorded delivery post within a short time frame.

Under section one rules this would no longer be the case, as a variation would have to be applied for to the relevant firearms department.

A full set of firearms forms would have to be filled in sent in for approval before another gun could be purchased, the ‘good reason’ requirement of course would also have to be satisfied.

This could easily involve a further visit from the firearms officer to discuss the new proposed acquisition, with a qualification of the acceptable ‘good reason’ requirement also having to be met.

This last issue would be especially true if the proposed new shotgun was in any way to be considered different; such as the bore size or type of action.

If the replacement gun was seen to be sufficiently different, to that of the previously owned gun, then there would also be a £45 fee to be paid as well upon submitting the application forms.

A relatively straightforward(!) one-for-one variation (as it is known) is not charged, but it would be wide open to interpretation across the country by different forces.

This procedure could easily take three months or considerably more, as currently firearm certificate variations are not seen to be a priority when compared with the greater urgency of the grant and renewal of firearms certificates.

When the varied firearm certificate is returned, the new purchase details also have to be notified to the firearms department.

It can be clearly seen that apart from a large amount of inconvenience as well as extra expense and long delays, there is nothing whatsoever to be gained from the public safety angle or indeed anything else.

What it would most certainly do is impede shotgun sales and severely reduce their numbers due to the intimidation of some potential applicants and it would also involve huge increases in police time.

Security

Security is also a non-issue as all shotguns are already kept in secure storage when not in use.

Why?

To put this latest attempt at forcing yet more pointless inconveniences upon the law abiding shooting public into context, it has to be seen for what it really is, just another dishonest step by both the Home Office and the Police towards the ultimate goal of the total elimination of firearms ownership in this country by honest, law abiding people.

The criminals will never be affected by any of this and will always get their guns, so one has to look more closely to find the real agenda.

As the involvement of the police in firearms licensing was instigated so that the Home Office could better enforce their will to disarm the public, if a fair approach is to be taken in the future, then the police should have nothing to do with it. The entire fiasco of firearms controls is a mess, and does little or nothing to prevent incidents that incur a threat to public safety.

When we have television programmes such as 'Holly Oaks' which is broadcast by the BBC at 6.30pm in the evening, being aimed at a younger teenage audience, showing a character apparently boasting his street

credibility by posing with a 9mm automatic pistol stuffed down the back of his trousers, that he was 'looking after' for another more serious criminal, then we clearly have a major problem with the image of guns (especially pistols) in UK society. This is sending out entirely the wrong sort of message.

Any controls on firearms should be performed as suggested after Dunblane etc by a civilian authority, but this fair-minded approach was blocked by the Home Office, who have seem to have no intention of entertaining anything like fair play in the equation.

Whether we like it or not, firearms controls have been a complete disaster, they do not achieve what they were first purported to do, which was to prevent criminal access to guns.

Indeed there was some considerable surprise expressed at this clear failure after their introduction.

As for public safety this argument has now worn a bit thin, as an old school friend (a PhD) who lives on Moss side in Manchester will concur.

Conclusion

Moving shotguns to the section one firearm category and subjecting them to the same restrictions will be a disaster for shooting in this country.

Immediately prior to the introduction of the first controls in May 1968, Shotguns were extremely commonplace items, especially in rural areas, where their use as essential tools was undeniable. Huge numbers of them existed and it is perhaps indeed remarkable to appreciate that with such vast quantities of shotguns in circulation their numbers that were abused were tiny in proportion.

The concept of these 1968 shotgun controls was diametrically opposed to that employed for section one firearms: The person only was licensed, and as having been seen to be a fit and responsible person, was allowed to acquire shotguns as and when they pleased.

There was never any justification for these shotgun controls that was based on hard evidence that a problem was evident at the time.

Instead, it was yet another instance of more law that flew in the face of all of the enquiry evidence, and was merely introduced for political expediency: a knee jerk reaction.

The current shotgun registration number requirements involve quantities of paperwork for any borrowing or other possession by a fellow licensed shotgun owner. This has proved in practice to be nonsense, tying up everyone's time, with the only party profiting from this ludicrous paper chase presumably being the post office, as all details have to be sent by recorded or registered post!

However the real reason for it must surely be to know exactly where all legally held shotguns are, so that by virtue of ever more restrictive legislative impositions, they can eventually be confiscated by a draconian government that seeks to remove them from honest people.

Criminals will always obtain their weapons by illegal means, so expecting gun laws of any sort to prevent this is hopeless, as virtually all criminal firearms are prohibited weapons unavailable to the law abiding.

As regrettable as it is, no amount of extra controls will ever prevent isolated incidents such as the Cumbrian killings.

The equally unpleasant Moat incident only reinforces the fact that those that would commit criminal acts with firearms of any sort, will always be able to obtain them illegally.

Penalising the honest shotgun shooters for the isolated act of a madman will achieve nothing.

Finally, perhaps the comments from a Mr Hopwood MP during the vigorous debate on a proposed strict control of pistols bill in 1895 are just as relevant today in the context of shotguns:

'To say that because there were some persons who would make violent use of pistols, therefore the right of purchase or possession by every Englishman should be taken away is monstrous'.