



# The Control of Firearms in Great Britain

## A Consultative Document

*Presented to Parliament  
by the Secretary of State for the Home Department  
and the Secretary of State for Scotland  
by Command of Her Majesty  
May 1973*

LONDON  
HER MAJESTY'S STATIONERY OFFICE

52½p net

Cmnd. 5297

31154



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CORRECTION

Page 7

For the final line of paragraph 18 substitute:—

“—after adjustment to allow for changes in recording  
practice—of 11 per cent over 1971.”

May 1973

LONDON: HER MAJESTY'S STATIONERY OFFICE

FOREWORD

*By the Home Secretary and the Secretary of State for Scotland*

The increasing use of firearms in the pursuit of crime is a matter of concern to the whole community. In recent years, there has been a rise in the number of crimes involving the use of firearms and in the number of crimes in which shot guns and air weapons were used. The safety of the citizen is a prime concern of Government, and a more stringent and efficient control of firearms is necessary to prevent more of them falling into the hands of criminals.

On coming into office the Government therefore put in hand a thorough review of the law on the control of firearms in Great Britain. Effective legal controls are an essential part of society's protection against the criminal use of such weapons. This branch of the law had not been comprehensively reviewed since before the war and there are now a number of important respects in which it needs to be made more effective to meet modern conditions.

Since the use of firearms in crime concerns the whole community, measures to combat it deserve wide public debate before final decisions are taken on changes in the law.

This Green Paper sets out for comment the provisional conclusions which the Government have reached, after a long and comprehensive review, of the changes which should be made in firearms law. It includes proposals which will substantially tighten control.

In order to make this control effective a considerable minority of law-abiding people must be asked to put up with some increased inconvenience, but we are satisfied that the present law must be strengthened if the interests of the majority are to be protected. It is because we wish to strike the right balance between the interests of the majority and the claims of those who are entitled to use firearms for sporting and other purposes that we wish to have the views of everyone who is interested in this subject before proposals for changes in the law are placed before Parliament.

ROBERT CARR

GORDON CAMPBELL

Comments on this paper should be sent in writing, by 30 June 1973, to the Home Office (F4 division), Horseferry House, Dean Ryle Street, London SW1P 2AW, or to the Scottish Home and Health Department, 44 York Place, Edinburgh EH1 3JJ.

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## PART I: THE PRESENT POSITION

### SECTION 1

#### Introductory

1. This Green Paper is based on the report of a Working Party on the control of firearms which was set up at the end of 1970 and finished its work towards the end of last year. Its terms of reference were:

"To consider whether, in the interests of public safety and the maintenance of law and order, any amendments should be made in the law or practice relating to the manufacture, sale, possession and use of the various types of firearms and similar weapons and their ammunition."

2. There were two main reasons for setting up the Working Party. The first was the growth in the use of firearms in crime. This is a cause of continuing concern, and provides the background against which the Working Party examined the question whether further measures of control should be recommended. Second, the Criminal Justice Act 1967 introduced for the first time limited controls over the possession of shot guns by individuals, less stringent than the controls over weapons such as rifles and pistols, and it was desirable to examine the operation and the effectiveness of these new controls.

3. The Chairman of the Working Party was Sir John McKay, then Her Majesty's Chief Inspector of Constabulary for England and Wales, and its members were representatives of police forces and officials of the Home Office and Scottish Home and Health Department. The Working Party obtained a great deal of statistical and other information about the operation of the present firearms controls and the use of firearms in crime, and conducted a thorough review of all aspects of existing law and practice. The Government owe a large debt of gratitude to the Working Party for their valuable work, and are glad of this opportunity to record their appreciation.

4. The Working Party's review was conducted by persons with expert knowledge and experience derived from their involvement in the operation of the present firearms controls. They held discussions with representatives of shooting, farming and entertainment interests and the gun trade, and took account of representations from a number of organisations and individuals including the Magistrates' Association and bodies concerned with the protection of birds and animals. The increase in the use of firearms in crime is a matter of concern to us all, and this consultative document has been drawn up as a basis for wider scrutiny and debate. It incorporates all the essential information and statistics collected by the Working Party, together with more detailed statistics for 1971 which are now available. It then sets out the provisional conclusions which the Government have reached in the light of the Working Party's review.

5. This Paper is in two parts. Part I describes the present law, summarises the relevant facts and figures and gives the general reasons for the view that some tightening of existing controls is called for. More detailed statistics are in the Appendix. Part II then discusses the different aspects of the present controls in turn, and sets out under each heading the provisional proposals for changes on which the Government would welcome comments.

## SECTION 2

### The existing firearms controls

#### *History*

6. The foundation of the present system for the control of firearms in Great Britain was laid by the Firearms Act 1920. Before then there was virtually no control over the sale and possession of firearms, and no legislation to prevent their acquisition for criminal purposes. The 1920 Act made it an offence to buy, possess, use or carry rifles and pistols, or their ammunition, without a certificate from a chief officer of police, who was required to satisfy himself that an applicant had a good reason for acquiring the firearm and could be permitted to have it without danger to public safety or the peace. The Act also restricted dealing in firearms or ammunition to registered dealers. Subsequent legislation has consisted of refinements and extensions of this basic scheme, and the creation of a number of offences relating to the use of firearms by individuals.

7. A Departmental Committee set up in 1934\* found that the 1920 Act had reduced the likelihood both of criminals obtaining possession of the more dangerous firearms and of injury caused through the misuse of firearms by the irresponsible or the young. The Committee's recommendations were largely incorporated in the Firearms Amendment Act 1936, which strengthened the arrangements for the issue of firearm certificates (in particular, the power to attach conditions to them); brought certain weapons (such as short-barrelled shot guns) within the control; prescribed specially stringent restrictions on continuous-fire weapons (such as machine guns); and sought to ensure that unscrupulous or incompetent dealers could not exploit gaps in the control.

8. The next changes came in the 1960s, in consequence of increasing concern over the use of firearms in the commission of crime, and the growing incidence of hooliganism involving the use of air guns and shot guns. The Air Guns and Shot Guns Etc. Act 1962 dealt with the latter problem by placing restrictions on the use and possession of air guns and shot guns by young persons, while still allowing them to be trained in the use of these weapons. The Firearms Act 1965 was concerned with both problems. It substantially increased the penalties for offences involving firearms, created new offences in connexion with carrying firearms in public places or while trespassing, and made additional provisions to enable the police to ensure that dealers' premises were secure. Part V of the Criminal Justice Act 1967 made it an offence to buy or possess a shot gun without a shot gun certificate issued by a chief officer of police. The requirements for obtaining a shot gun certificate are less stringent than those applying to firearm certificates for weapons such as rifles and pistols, and the system of control is less comprehensive.

\* Report of the Departmental Committee on the Statutory Definition and Classification of Firearms and Ammunition. Cmd. 4758. December 1934.

### *Main features of the present law*

9. The existing legislation has all been consolidated in the Firearms Act 1968. This Act contains a series of graded controls over the acquisition and possession of firearms. There are four main categories of weapon.

- (a) Prohibited weapons, *e.g.* machine guns, sub-machine guns, and weapons and ammunition designed for the discharge of noxious gases or liquids. A special authority from the Secretary of State is required for the manufacture, sale, acquisition or possession of such weapons or ammunition.
- (b) Rifles, pistols, most of their ammunition, short-barrelled shot guns (*i.e.* those having a barrel less than 24 inches in length) and specially dangerous air weapons. A firearm certificate issued by the chief officer of police is required for the acquisition or possession of individual weapons. The chief officer must be satisfied that an applicant for a certificate has a good reason for having the weapon and is fit to be entrusted with it, and that the public safety or the peace will not be endangered. Conditions may be attached to the certificate, and one of the standard conditions on all certificates requires weapons and ammunition to be kept in a secure place except when in actual use. There is a right of appeal to the Crown Court in England and Wales against the refusal of a certificate. In Scotland the appeal lies to the Sheriff Court. (All subsequent references to the Crown Court in this Paper should be understood as referring to the Sheriff Court in Scotland.)
- (c) Shot guns. Since 1968 a shot gun certificate has been required for the acquisition or possession of long-barrelled shot guns. Except in the case of persons who are prohibited from possessing firearms of any kind, such a certificate may be refused by the chief officer of police only if he considers the public safety or the peace would be endangered if he granted it. There is a right of appeal to the Crown Court against a refusal. A shot gun certificate authorises the possession of an unlimited number of shot guns, there is no condition requiring safe keeping, and shot gun ammunition is not controlled.
- (d) Air weapons, except those classified as specially dangerous, are not subject to certificate control, although there are some general restrictions on their possession and use by young people under 17.

10. The Firearms Act 1968 specifically prohibits the possession of firearms by a person who has served a prison sentence, for life if the sentence was three years or more, for five years if it was three months but less than three years; and application may be made to the Crown Court to have this prohibition set aside. The Act also provides for a number of special exemptions from the certificate requirement. The more important exemptions are that a member of a rifle club or cadet corps approved by the Secretary of State may possess a firearm, without a certificate, when engaged in target practice or drill as a member; and a person running a miniature rifle range or gallery with .22 rifles may acquire and possess such rifles, without a certificate, and any person may use such a rifle at the range or gallery.

11. The 1968 Act provides that a person who deals in firearms or ammunition by way of trade or business must be registered with the police as a firearms dealer and must keep detailed records of his transactions. In general, registration can be refused by the chief officer of police only if he is satisfied that the applicant cannot be permitted to carry on business as a dealer without danger to the public safety or to the peace. There is a right of appeal to the Crown Court against a refusal of registration.

12. The 1968 Act also lays down heavy maximum penalties for certain criminal uses of firearms, and these penalties have recently been increased by the Criminal Justice Act 1972. The offences of possessing a firearm with intent to endanger life, or using a firearm to resist arrest, carry a maximum penalty of life imprisonment. The offences of carrying a firearm with intent to commit an indictable offence, or while committing certain specified offences, carry a maximum penalty of 14 years' imprisonment.

## SECTION 3

### Firearms in crime

#### The Statistics

13. Comprehensive statistics of offences involving firearms have been collected only since 1967, when the Home Office introduced new arrangements for this purpose. Figures for the total number of indictable offences in England and Wales involving firearms have been collected for each year since 1961, but detailed figures were not collected before 1967. The figures for earlier years did not distinguish thefts of firearms from offences in which firearms were used. The Appendix to this paper analyses the relevant information since 1967, bringing up to date and extending an analysis of the figures for 1967 and 1968 which was published in 1970.\* (The statistics of offences in this Paper and the Appendix relate to England and Wales only. Only limited information is available for Scotland. It is hoped to have fuller information in future.) The following paragraphs summarise the more important information in the Appendix.

14. The figures include not only those offences in which a firearm was involved by being used (that is, fired, used to threaten or used as a blunt instrument), or carried for possible use, but also offences in which a firearm was stolen, handled or obtained by fraud or forgery. The number of offences in which a firearm was used rose from 792 in 1967 to 1,735 in 1971, and formed about one-third of all offences involving firearms in each year during this period. Firearms were known to have been carried for possible use, but not used, in about 100 of the offences involving firearms in each year. Table A gives the main details of the offences recorded as known to the police in 1967-71.

**Table A**

**Offences, recorded as known to the police, in which firearms were involved**

	FIREARMS USED		FIREARMS CARRIED		FIREARMS DISHONESTLY ACQUIRED		Total
	No. of offences	Index (1969* = 100)	No. of offences	Index (1969* = 100)	No. of offences	Index (1969* = 100)	
1967	792	—	71	—	1,476	—	2,339
1968	878	—	83	—	1,542	—	2,503
1969	1,308	100	109	100	1,881	100	3,298
1970	1,359	104	104	95	2,023	108	3,486
1971	1,735	133	127	117	2,224	118	4,086

\* For details of the choice of 1969 as base year see the footnote to Table 1 of the Appendix

The provisional number of offences in which a firearm was used in 1972 is 2,069. The total does however include 143 offences of criminal damage to the value of £100 or less. Such offences were not recorded in earlier years.

\* "Firearms in Crime" by A. D. Weatherhead and B. M. Robinson. A Home Office Statistical Division Report (H.M.S.O. 1970).

15. Offences in which firearms were used are analysed by type of weapon in Table B. The largest increase in the five years was in offences involving air weapons. There was also a steady growth in the number of offences in which a long-barrelled shot gun was used, and a rapid growth in the use of sawn off shot guns, mainly in robberies (from 17 in 1967 to 88 in 1971).

**Table B**

**Type of weapon involved in offences  
in which firearms were used 1967-1971**

Type of weapon	Number of offences					Percentage				
	1967	1968	1969	1970	1971	1967	1968	1969	1970	1971
Air weapon ...	318	332	591	671	888	40.2	37.8	45.2	49.4	51.2
Long-barrelled shot gun	184	203	236	205	296	23.2	23.1	18.0	15.1	17.1
Sawn-off shot gun	17	49	65	87	88	2.1	5.6	5.0	6.4	5.1
Pistol ...	174	182	233	213	267	22.0	20.7	17.8	15.7	15.4
Rifle ...	16	9	38	38	37	2.0	1.0	2.9	2.8	2.1
Starting gun ...	18	27	22	15	15	2.3	3.1	1.7	1.1	0.9
Other* ...	65	76	123	130	144	8.2	8.7	9.4	9.6	8.3
Total ...	792	878	1,308	1,359	1,735	100	100	100	100	100

\* Other includes imitation and supposed firearms.

16. In about half the offences involving the use of firearms physical injury was caused. The number of such offences rose from 436 in 1967 to 910 in 1971, but the number of fatal injuries remained fairly steady within the range 25 to 50 in the same period. Air weapons were responsible for no fatal injuries but accounted for most of the slight and serious injuries. More than half the fatal injuries were caused by shot guns.

17. Table 12 in the Appendix gives details of the number of robberies in which firearms were used in the years 1967 to 1971. The number of such robberies rose from 265 in 1967 to 572 in 1971. This is an increase of 116 per cent, but, as can be seen from the Table, the ratio of firearm robberies to all robberies remained fairly constant.

18. In 1971 the number of indictable offences recorded as known to the police increased by 5.8 per cent over 1970. The increase in the number of indictable offences involving firearms was 17.2 per cent and, in the number of offences in which a firearm was actually used, the increase was 27.7 per cent. The use of most types of firearms increased, the largest increases being in the use of long-barrelled shot guns and air weapons. The provisional figure of offences in which a firearm was used in 1972 shows an increase of 19.3 per cent over 1971.

#### The sources of firearms used in crime

19. In many cases it is not possible to discover the original source of a firearm used in crime, for instance so as to check whether it had



ever been legitimately held. A criminal found with a weapon on him is frequently unwilling to reveal, or does not know, its origin. A stolen weapon registered on a certificate in one area may come to light in another, perhaps years later. But Sir John McKay's Working Party obtained details of 120 cases in Great Britain, most of which occurred in the last two or three years, in which legitimately held firearms of a kind for which a firearm certificate is required under section 1 of the Firearms Act 1968 (mainly pistols and rifles) or shot guns had been stolen or borrowed and subsequently used for criminal purposes. The Working Party found that in many of these cases it was the availability of the particular firearm used that led to its use.

20. Thirty-three of these cases related to firearms such as rifles and pistols to which section 1 of the Firearms Act 1968 applies and for which a firearm certificate is required ("section 1" firearms). These 33 cases included the notorious cases in which a firearm stolen from the armoury of a school rifle club was used to murder a police officer; in which a rifle was taken from a local fairground and used to murder 3 tourists; and in which a pistol obtained without authority from a rifle club was used in a robbery and to murder 2 police officers in Glasgow. In 4 cases section 1 firearms were stolen from dealers and then used in robbery and similar crimes. In 10 cases section 1 firearms used in such crimes had been stolen from private individuals who held certificates. There were 3 further cases in which the firearm used in the crime had been stolen from a rifle club. In 7 cases the firearm had been taken from a relative, and in 6 cases the weapon had been "borrowed" from a certificate holder.

21. Of the 120 cases mentioned above, 87 involved shot guns. In 25 of these 87 cases the shot gun had been taken without permission from a certificate holder who was a friend, relative or acquaintance and in 20 of the 25 the shot gun was then used in a domestic quarrel, or to shoot someone against whom a grudge was held; in the remaining 5 cases it was used in other types of crime. In 28 cases the holder of a shot gun certificate gave or lent a shot gun to, or bought a shot gun for, a person without a certificate. In 10 cases a shot gun was stolen from a dealer and then used in robbery. In 24 cases a shot gun was stolen from a certificate holder (either from a car or by housebreaking) and then either sawn off in preparation for use, or actually used, in robbery or similar crime.

22. In the period 1969 to 1971 there were over 2,700 offences in which shot guns or section 1 firearms were stolen (Appendix, Table 20). It is reasonable to suppose that in a substantial proportion of these cases the owner held the firearm legitimately and, as seen in paragraphs 20 and 21, some at least of these firearms were subsequently used in the commission of crime. It is against this background that the efficacy of the existing firearms controls and the need for changes have to be considered.

## SECTION 4

### The case for stricter controls

23. The extent to which the rising trend in the use of firearms in crime can be checked or even reversed by stricter controls must be seen in proportion. No system of legal controls, however stringent, is likely to be wholly successful in preventing criminals from obtaining firearms; there will always be some who are bent on acquiring them and have the resourcefulness or the connexions to do so. Society should make this as difficult for criminals as reasonably possible. Legal controls are aimed at cutting down, so far as practicable, the ready availability of the more dangerous firearms to the criminal, and to the irresponsible. This is a useful aim, which is not invalidated by the difficulty of achieving more.

24. It may be suggested that the existing controls have failed because, despite being strengthened in a number of respects in recent years, they have not prevented a steady rise in the use of firearms in crime. But the question we must ask ourselves is what the situation would have been with no controls, or weaker controls. If dangerous firearms and their ammunition had been easier to obtain within the law, if the requirements on legal holders to keep their firearms in safe custody had been less strict, is it plausible to suggest that the extent of criminal and irresponsible uses of firearms would actually have been less?

25. It can also be argued that the legal controls are not necessary in relation to responsible persons who have legitimate uses for firearms, and that the object of the law should be to deter and to punish unlawful uses. There are, however, serious weaknesses in sole reliance on this approach. Without some machinery, such as the present law provides, for distinguishing the responsible from the irresponsible person, and the legitimate from the illegitimate use, the law would have to allow everyone to buy dangerous firearms—even, for instance, known criminals and the mentally ill—without inquiry into their reasons for wanting such weapons. Experience demonstrates that some people are not in practice deterred by the prospect of heavy penalties, and these include some of the most dangerous and determined criminals. Two kinds of measure are required for the prevention of crime—measures to reduce the opportunities open to the criminal, as well as those which provide for his punishment. One essential aim of any serious attempt to contain the growth of violent crime should therefore be to eliminate avoidable opportunities to acquire firearms for criminal purposes.

26. It should be emphasised at this point that neither the present controls, nor the changes proposed in this Paper, represent a threat to established legal uses of firearms. At the end of 1971 over 190,000 firearm certificates were in force in England and Wales, and over 38,000 in Scotland. The numbers of shot gun certificates in force were over 715,000 in England and Wales and over 77,000 in Scotland. During the year 1971 there were in England and Wales 304 offences known to the police in which a rifle

or pistol was used, and 384 offences in which a long-barrelled or sawn-off shot gun was used. These figures illustrate how few firearms are used for criminal purposes by comparison with the total number of firearms held lawfully. The Government have no wish to restrict such well-established activities as shooting game and vermin, and target and clay pigeon shooting, by persons who use firearms for purposes of these kinds in a responsible manner. It is inevitable that firearms controls should cause some inconvenience to such persons. The degree of inconvenience is not large when compared with the risk to the community of failing to exercise adequate control.

27. The changes proposed in this Paper would also place additional burdens on the police. Here again the extent of the extra work has to be balanced against the dangers, particularly to the police themselves, of failing to put further obstacles in the way of criminals willing to use firearms. Although police officers may be armed when it is known in advance that they have to face a dangerous armed person, and when on certain protection duties, these circumstances are exceptional. The Government are in no doubt that the policy of an unarmed police service is right, and is supported by the great majority of the public and of the police. If the police regularly carried firearms and were prepared to use them, the ordinary criminal would be more likely to arm himself. There might be a still further increase in armed crime, and more shooting of police officers and innocent citizens. The policy of an unarmed police service, and the dangers which might be involved in any departure from it, emphasise the importance of ensuring that our firearms controls are as effective as we can reasonably make them.

28. The review by the Working Party has indicated that the present controls are not in all respects as effective as they could be. The extent of crime involving firearms is growing. There is evidence that, in a significant number of cases, firearms are used criminally or irresponsibly because they happen to be available rather than because those concerned were determined to obtain them by hook or by crook. In its present form the law in some circumstances allows unsuitable persons to possess firearms, or persons to possess firearms without having a legitimate use for them, or to possess more firearms than required for such uses, or to take inadequate precautions against theft or misuse. The main objective of firearms controls should be to ensure, so far as practicable, that the possession of lethal weapons, which can be and are used criminally and irresponsibly to the danger of the community, is restricted to suitable persons who have legitimate use for them and who will keep them safely. The present law has certain inadequacies which prevent it from giving full and consistent effect to this objective. The proposals in Part II of this Paper are designed to remedy these inadequacies.

## PART II: PROVISIONAL PROPOSALS FOR CHANGES

29. The second part of this paper takes in turn various aspects of the law on the control of firearms, and discusses under each heading ways in which its effectiveness might be increased. Sections 5-9 discuss the different kinds of firearm, and matters relating to certificates for them. Section 10 relates to ammunition, section 11 to dealing in firearms and section 12 to rifle clubs, cadet corps and shooting galleries. Section 13 is concerned with the possession of firearms by young persons, section 14 with imitation firearms, section 15 with penalties and section 16 with the holding of a firearms amnesty. Each of the provisional proposals on which the Government would welcome comments is given in heavy type.

## SECTION 5

### Prohibited Weapons

30. The most stringent controls in the Firearms Act 1968 apply to machine guns and weapons capable of discharging gas or any other noxious substance. These particularly dangerous weapons are known as "prohibited weapons". Section 5 of the 1968 Act makes it an offence to possess, purchase, acquire, manufacture, sell or transfer such a weapon without the authority of the Home Secretary, or in Scotland the Secretary of State for Scotland.

#### *Existing policy*

31. These controls are already as strict as they could be, short of a total prohibition of weapons of these kinds. The Secretaries of State have an unfettered power to refuse to grant an authority, and there is no appeal against a refusal. This is generally accepted as right, since there are almost no legitimate reasons for the private possession or use of such weapons. The Government take the view that it is not in the interests of public security that private collections of these particularly dangerous weapons should be maintained. There has been a small number of collections of machine guns, but recently the policy has been to decline to grant or renew authorities allowing the possession by a private individual of weapons capable of automatic fire. The only authorities for such weapons likely to be granted or renewed in the future are those given to a small number of publicly-owned museums which maintain collections of historical interest in conditions of strict security; to a few large-scale dealers engaged in international trade; to manufacturers who make these weapons or military equipment to which they are fitted; and to a very small number of dealers who hire out such weapons for film and television performances. In all these cases an authority is granted or renewed only after inquiries have been made by the police. Each authority is subject to stringent conditions limiting the circumstances in which the weapons may be possessed, and specifying the degree of security required to safeguard them. A firearm certificate is also required from the chief officer of police (see section 6 for the law on firearm certificates).

32. Broadly the same applies to weapons discharging a noxious substance or gas. There has never been any justification for such weapons to be in private hands, and the only authorities likely to be granted or renewed in future are those given to the small number of firms engaged in the manufacture and supply of CS weapons for the Armed Forces and the police. "Hypo-darts" and similar equipment designed to discharge a drug into an animal are probably "prohibited weapons", since the drug may in law be a "noxious substance". Accordingly authorities are also granted to persons such as zoo keepers and veterinary surgeons who need to use such weapons in the course of their work.

#### *The extension of the prohibited category*

33. Self-loading rifles do not come within the definition of a prohibited weapon, but some of them can without difficulty be converted to automatic fire. These are mainly weapons originally designed to be capable of automatic fire, which have been modified either at the time of manufacture or subsequently so that they fire a single shot at each pull of the trigger. There are reasons for distinguishing these self-loading rifles from ordinary rifles. They are inherently more dangerous in the wrong hands, and in many cases it is a relatively simple operation to convert them back to continuous fire operation, making them prohibited weapons. Pump action and repeater shot guns differ similarly from ordinary shot guns. They are capable of firing a number of cartridges in quick succession without reloading, and they too are much more dangerous than other shot guns when in the wrong hands, though not capable of conversion to automatic fire. Although self-loading rifles are used in a specialised but internationally recognised form of target shooting, and by some people with a physical disability which makes it difficult to operate the bolt of an ordinary rifle, it can be argued that weapons of these kinds ought to be controlled more stringently than ordinary rifles, pistols and shot guns.

34. The pace of technological change today is such that legal definitions in this field which have proved satisfactory in the past may at any moment be rendered inadequate by new developments. Capacity for the continuous fire of missiles may no longer be a sufficient test to decide which weapons of this kind are so dangerous that they ought to fall into the prohibited category. The discharge of a noxious gas, liquid or other thing may not indefinitely prove wide enough to embrace all the weapons and ammunition of these kinds which ought to be prohibited. A procedure is required to enable specially dangerous new developments in firearms and ammunition to be brought within the prohibited category without the delay which is often unavoidable when an amendment to a statute is required.

35. In the light of the considerations set out in the two previous paragraphs the Government would welcome views on the desirability of making the two following changes:

- (a) self-loading rifles, and pump action and repeater shot guns, should be declared prohibited weapons;**
- (b) there should be power to make a statutory instrument declaring new kinds of specially dangerous weapons and ammunition to be prohibited.**

## SECTION 6

### Rifles and pistols

36. With certain specified exceptions it is an offence to possess, purchase or acquire a firearm of one of the kinds subject to section 1 of the Firearms Act 1968 without first obtaining a firearm certificate from the chief officer of police. This section covers all firearms, except shot guns with barrels not less than 24 inches long and air weapons; such weapons are referred to in this Paper as "section 1 firearms". Section 27 of the Act precludes the grant of a certificate to any person whom the chief officer has reason to believe is:

- (a) prohibited by the Act from possessing a firearm (e.g. by virtue of having served a sentence of imprisonment); or
- (b) of intemperate habits or unsound mind; or
- (c) for any reason unfitted to be entrusted with a firearm.

Before granting a certificate the chief officer must satisfy himself that the applicant:

- (a) has a good reason for possessing the firearm in respect of which the application is made; and
- (b) can be permitted to have the firearm without danger to public safety or to the peace.

There is an appeal to the Crown Court against a refusal by the chief officer to grant a certificate.

37. The object of these controls, as explained in section 4, is to confine the legal possession and use of lethal weapons to responsible persons who have a legitimate use for them. This section examines how far the existing law is apt to achieve this object.

*What should count as a "good reason"*

38. The legal provisions summarised in paragraph 36 leave the chief officer of police to decide what constitutes a "good reason" for possessing a section 1 firearm, subject to the right of appeal to the Crown Court. The Firearms Act 1968, following earlier firearms legislation, makes no attempt to define what should, or should not, be regarded as a good reason for possessing a lethal firearm. The stringency of the legal control over section 1 firearms therefore rests in practice upon the way in which chief officers exercise the wide power of decision vested in them by the law, and on the decisions of the Crown Court in the relatively infrequent cases taken to appeal.

39. The Home Secretary and the Secretary of State for Scotland issue advice to chief officers of police, normally after consultation with them, on a wide variety of matters, including the application and operation of the Firearms Act 1968. An important piece of advice given by the Secretaries of State is that personal protection should not be regarded as a good reason

for a private person to possess a section 1 firearm. This is a policy which has long been followed by chief officers. Nevertheless advice of this kind has no legal force; a chief officer is not bound to follow it, and the Crown Court is not bound to take notice of it.

40. This scheme of control derives from the Firearms Act 1920. It was reviewed by the Departmental Committee which reported in 1934, and by Sir John McKay's Working Party, without any radical change being suggested in it. The 1934 Report recommended that the right of appeal against the refusal of a firearm certificate should be transferred from the magistrates to quarter sessions (now the Crown Court) in the interest of greater consistency of decision on appeal. Apart from this one change, the basic system has survived unaltered for over fifty years. This has probably been because there has been no general disagreement over the way in which the powers of chief officers and the Crown Court have, as a matter of practice, been exercised. To put the matter very broadly, sporting purposes and target shooting have been accepted as good reasons for possessing section 1 firearms, and personal protection has not.

41. Any tightening up of the present section 1 controls or widening of their scope and—in particular—any generally stricter policy adopted by chief officers in deciding whether to grant firearm certificates would be likely to place some strain on the present system. Two of the proposals put forward in this Paper for public discussion are of this nature: one is the proposal to bring long-barrelled shot guns within the scope of section 1; the other is the proposal that a desire by a private individual to start a collection of section 1 firearms should no longer be regarded as a good reason for granting a certificate, as it has hitherto been regarded in some cases.

42. There is also a more general reason for raising the question whether decisions on the grant or refusal of firearm certificates should remain a matter for the individual decision of chief officers and courts. The policy which they follow is a matter of considerable importance to the general public, and to all those who possess or may wish to possess section 1 firearms. This policy is nowhere set out in any statute or other legal instrument. It does not have to be discussed in Parliament. There is no guarantee that a consistent and acceptable policy will continue to be followed throughout the country.

43. Two examples may serve to illustrate the point. The time might come when a chief officer or the Crown Court decided to allow a section 1 firearm for personal protection. However exceptional the circumstances, this decision might be treated as a precedent, leading to the gradual proliferation of guns in private hands solely for the purported protection of private persons and their property. The Government would view any such development with grave concern, but could not be sure, as the law stands, of preventing or controlling it. Or some chief officers, concerned at the growth in the use of firearms in crime and wishing to cut down the number of firearms in private hands, might cease to treat some well-established reason for their possession, such as target shooting, as a good reason for possessing a pistol, and appeals against the application of this policy might succeed in some cases but not in others. It is arguable that the burden of

deciding such issues of public policy should rest on the responsible Minister, subject to the control of Parliament, and should be published in a legal instrument which those administering the law would then follow consistently and without question.

44. To set out in a statute the reasons which should and should not be counted as good reasons for granting a firearm certificate would be a difficult task. The result might prove both incomplete and unduly rigid. The Government would therefore welcome comments on the proposal that **the Secretaries of State should be empowered to make a statutory instrument setting out reasons which should, and should not, count as good reasons for the purposes of section 27 of the Firearms Act 1968. The power of a chief officer to grant or refuse a certificate on other grounds would not be impaired but the instrument would provide an authoritative statement of the main lines of policy to be applied by chief officers and courts in deciding individual cases.** To give some examples, the possession of a rifle or pistol for target shooting as a member of a shooting club, and the possession of a rifle for sporting purposes or the destruction of vermin, on land suitable for such a purpose, would count as good reasons. Possession of a firearm by a private individual for the protection of person or property would not be a good reason: firearms cannot be regarded as a suitable means of protection in this country, and may be a source of danger. If the proposal in paragraph 47 was accepted, the starting of a private collection of section 1 weapons would not be a good reason.

#### *Collectors*

45. There are some private collections of firearms kept mainly because of an interest in firearms and not for use. If a desire to collect firearms is accepted as a good reason to justify the grant of a certificate, then virtually any person who wanted to keep a few weapons could make out a case for having a certificate. Any firearm, and particularly a collection of modern firearms, may be a target for criminals. This fact must raise the question whether an accumulation of weapons for their own sake, by a private person with no legitimate use for them, is any longer acceptable in the circumstances of today. Although the "de-activation" of weapons in a collection is a useful safeguard it does not eliminate all risk, because a de-activated firearm can usually be put back into working order. Irreversible de-activation normally means a degree of mutilation that would not be acceptable in a collection.

46. It has been suggested that there should be a special form of certificate for collectors, which would place a collector in some respects on the same footing as a dealer, by allowing the possession of a number of firearms up to a certain limit. This suggestion, however, assumes an affirmative answer to the question whether the wish to possess one or more weapons of lethal character, without having any good reason to use them, should continue to be accepted. In practice, chief officers of police are normally reluctant to allow collections of modern weapons to be maintained, but there are a number of existing collections, and it would obviously be unreasonable to expect these collectors to dispose of their weapons at the expiry of their current firearm certificates. It would likewise be impracticable to require all firearms currently in the hands of collectors to be effectively de-activated.

47. A difficult balance is involved here between the freedom of the individual and the safety of us all. The Government believe that considerations of security should be paramount and accordingly propose that **no new firearm certificate should be granted to enable a collection to be started by a person who does not already hold one, or to enable an existing collector to extend his collection.**

48. The same principles apply to trophies of war and weapons held as souvenirs. Weapons issued to or captured by members of the armed forces during the 1939-1945 war and subsequently are Government property, and their retention is not permitted. There may be some people, for example former members of colonial police forces, who have been allowed to retain pistols or revolvers since 1945. The Government propose that **persons who now possess weapons as trophies or souvenirs should be allowed to retain them, subject to obtaining renewal of their certificates, but a desire to possess a firearm as a souvenir or for sentimental reasons should no longer be regarded as a good reason justifying the grant of a new certificate.**

#### *Minor improvements*

49. One of the first objects of the controls is to keep firearms out of the hands of those who cannot be trusted to use them responsibly. Chief officers of police are particularly careful in scrutinizing applications for firearm certificates from persons who have committed offences. The relevant question in the application form does not at present require a person who has been made subject to a probation order or an order of conditional discharge to declare this fact. The Government propose that **the form of application prescribed by the Firearms Rules 1969 (SI 1969 No. 1219) and the Firearms (Scotland) Rules 1969 (SI 1969 No. 1453 (S116)) should be amended to introduce a requirement to reveal offences which resulted in probation or a conditional discharge, as well as offences resulting in penalties.** The suggestion has been made that a convicted person who is not reconvicted within a specified period should be given a "clean slate". In the Government's view the considerations underlying this suggestion do not apply to the possession of a lethal weapon, and a chief officer should have the full facts about an applicant's record before deciding whether to grant a certificate.

50. Under section 21 (2) of the Firearms Act 1968 a person who has been sentenced to Borstal training, or to imprisonment for a term of three months or more but less than three years, or who has been sentenced to be detained for such a term in a detention centre or in a young offenders' institution in Scotland, is prohibited for a period of five years from the date of his release from having a firearm or ammunition in his possession. This provision has been held not to apply to a suspended sentence, though it appears probable that it was intended to apply. It is proposed that **the law should be amended to ensure that suspended sentences of imprisonment result in a prohibition under the Firearms Act in the same way as sentences which are served.**

51. Four prescribed conditions are included in every firearm certificate, and the chief officer of police has power to impose any further conditions he thinks required. Section 29 of the 1968 Act allows the chief officer to vary such conditions, and the holder of a certificate to apply for a variation.

There is an appeal against the refusal of a chief officer to vary a condition, but doubt has been raised whether there is an appeal against the original inclusion of a condition in a certificate. It is proposed that **the law should make it clear that there is a right of appeal against the inclusion of a condition in a firearm certificate other than a prescribed condition, as well as against refusal of a certificate.**

52. Section 42 of the 1968 Act requires a person transferring a firearm to another person in the United Kingdom, not being a firearms dealer, to notify the appropriate chief officer of police. It is proposed that **a notification should also be given to the chief officer of police when a firearm is transferred to a dealer, to enable the police to keep more complete records of transfers by individuals.**

53. Whenever a certificate is applied for or renewed, the chief officer of police has an opportunity to consider whether the holder has, or still has, a good reason justifying the grant of a certificate. The law does not, however, provide for a situation in which a certificate holder's good reason ceases to exist during the three-year currency of his firearm certificate. It is proposed that **the chief officer should have power to revoke the certificate of a person who no longer has a good reason to possess a firearm, subject to a right of appeal to the Crown Court against the revocation.**

## SECTION 7

### Shot guns

#### *The present law*

54. Before 1 May 1968, when Part V of the Criminal Justice Act 1967 came into effect, there was no control over the acquisition of shot guns. The provisions of Part V of the 1967 Act have since been consolidated in the Firearms Act 1968. They provide a form of control considerably less stringent than that over section 1 firearms. They require a shot gun certificate for the possession of a shot gun, and make it an offence to sell or transfer a shot gun, except to the holder of a shot gun certificate or a registered firearms dealer, but the test for the grant of a shot gun certificate is far less rigorous than that for a certificate under section 1. Section 28 of the 1968 Act provides that a shot gun certificate must be granted or renewed by the chief officer of police unless he has reason to believe that the applicant:

- (a) is prohibited from possessing a shot gun (e.g. by reason of a criminal record); or
- (b) cannot be permitted to possess a shot gun without danger to the public safety or to the peace.

There is an appeal to the Crown Court against a refusal. Each shot gun certificate is subject to certain prescribed conditions, which are at present that the holder must sign the certificate in ink, and must inform the chief officer of the loss or theft of any shot gun in his possession. There are no other prescribed conditions, and chief officers have no power to add further conditions, e.g. relating to safe keeping.

55. These controls are different in kind from those over section 1 weapons. There is no need for an applicant to show that he has a good reason for possessing a shot gun. A certificate covers any number of shot guns. There are no provisions to ensure security. Records of transfers of individual weapons are not required. By contrast, the controls over section 1 weapons are intended to restrict the legal possession of such firearms to suitable persons; to ensure that such persons have good reasons justifying the holding of each individual firearm; to provide for the safe keeping of the firearms; to lay down any appropriate conditions governing the circumstances in which they may be carried or used; and to secure that transfers of individual weapons are recorded in the certificates or other records of those concerned in the transactions.

56. These differences between the treatment of section 1 firearms and shot guns derive from the fact that the regular use of shot guns in crime is a relatively recent development. A Committee on the Control of Firearms, whose recommendations formed the basis of the Firearms Act 1920, reported in 1918 that the cases were rare in which shot guns were used for criminal or illegal purposes in Great Britain. The Departmental Committee which reported in 1934 found that, while shot guns were responsible for many accidents and suicides, they were not a favoured weapon of criminals of the



bandit and burglar type. Shot guns are very widely used, especially in rural areas, for legitimate purposes; and hitherto the view has always been taken that a strict control of the kind applied to section 1 firearms could not be justified, considering the work that would be required to administer it. Thus the present controls, established in 1968, are not designed to place any great difficulty in the way of acquiring shot guns. They prevent certain ex-criminals from doing so legally. But a chief officer can otherwise refuse a certificate only if he has concrete evidence, of a kind that could be given in the Crown Court in the event of an appeal, that the grant of a certificate would cause "danger to the public safety or to the peace". A chief officer cannot refuse a shot gun certificate simply because he considers that the applicant is not fit to be entrusted with a shot gun, or has no good reason for wishing to possess one.

*Is the present law adequate?*

57. In considering the degree of control required over the various kinds of firearms, there are two main factors to take into account. The first is how lethal each type of weapon may be. A shot gun, especially at short range, can be as lethal as a rifle or pistol. If the dangerous nature of a firearm were the sole criterion, then there would be no clear ground for differentiating between shot guns and section 1 firearms.

58. The second main criterion is the extent to which a particular type of firearm is used for criminal purposes. The figures in the Appendix show that long-barrelled shot guns are used about as frequently in crime as rifles and pistols. In interpreting the figures it must be borne in mind that, although a sawn-off shot gun is already a section 1 weapon, there is no difficulty about sawing off the barrels of a long-barrelled shot gun.

59. In principle, therefore, a case can be made out for treating all shot guns as section 1 firearms. This would be a major step: the views of interested parties and of the general public, and the administrative problems involved in possibly trebling the number of section 1 certificates, must also be taken into account.

60. Sir John McKay's Working Party found that there were two sharply opposing views on this issue. On the one hand, representatives of magistrates, local authorities, farmers, and those concerned with the protection of birds, expressed concern at the growth in the use of firearms in crime, and at the increasing number of armed trespassers in the countryside. They urged stronger controls over shot guns—though not necessarily to the extent of applying the full range of section 1 controls. On the other hand, representatives of shooting interests questioned whether stricter controls would help to contain armed crime, and expressed concern that such controls might be administered with undue severity. They urged the view that such a change in the law would be unjustified and unacceptable.

61. The majority of chief officers of police were strongly of the view that the law should now require an applicant to have a good reason for possessing a shot gun. Most of those who took this view believed that this step would only be effective if the recording of individual transfers of shot guns was required, which would, in effect, put shot guns on the same basis as section 1 firearms. Chief officers were in no doubt that there were cases

—some put the proportion as high as 20 per cent—in which they would feel obliged to refuse applications for shot gun certificates if the applicant were required to give a good reason. Similarly, a number of chief officers emphasised that under the existing law they felt obliged to issue shot gun certificates to people who were in their view unsuitable to hold them, for instance by reason of their long criminal records. Most chief officers believed that the extra work involved in applying a strict control of this kind to shot guns would be worth while.

*Stricter shot gun controls*

62. The Government take the view that stricter controls over shot guns are necessary and justified. Experience since 1968 suggests that there is no satisfactory half-way house between no control, and a full control on the lines of that applying to section 1 firearms. The onus should now be placed on a person wishing to possess a shot gun to show that he has a good reason for doing so, and to keep it in properly secure conditions. The Government believe that the effect of this step would be to reduce significantly the number of shot gun certificate holders, the number of shot guns in private hands and the prevalence of armed trespass with shot guns. It should reduce the pool of illegally held shot guns, and criminals should find it more difficult to obtain shot guns for use in serious crime.

63. The Government do not intend that persons of good character, with legitimate opportunities to use a shot gun for sport, should be refused shot gun certificates or made subject to burdensome conditions of use. The power to prescribe "good reasons", suggested in paragraph 44 above, could be used to ensure against such refusals. For instance the regulations could cover the position not only of those who shoot regularly but also of those with infrequent but legitimate opportunities to shoot. The Government's intention is that these controls over shot guns should be administered with as little inconvenience to the citizen as is consistent with the requirements of public safety; they believe that the need to obtain a certificate and renew it every three years, to record transfers of weapons, and to keep shot guns in a safe place, would not place an undue burden on the individual.

64. The Government's proposal is that **shot guns should be subject to the same controls as rifles and pistols under the Firearms Act 1968**. The main effects of this proposal would be these. An applicant for a certificate would have to show that he had good reason for the possession of each individual gun (or matched pair). Persons unfit to be entrusted with shot guns would be refused certificates. Conditions requiring the safe keeping of shot guns would be included in certificates. And transfers of individual weapons would have to be recorded. While the enforcement of conditions in certificates might present some difficulty to the police, the introduction of a legal requirement to keep shot guns safely should by itself have a substantial effect. There is a considerable number of cautions and prosecutions under the present law for firearm certificate offences.

## SECTION 8

### Other provisions relating to firearms and certificates

#### *The numbering of firearms*

65. The recording of transactions involving firearms, and the maintenance by the police of records of legally held firearms, are important features of the controls. These records provide a check against firearms falling into unauthorised hands, and they assist the police in the investigation of crimes involving firearms and the tracing of such firearms. Most section 1 firearms are stamped with individual numbers but different makers use different numbering systems, and some firearms have more than one number. The proportion of shot guns bearing makers' serial numbers is smaller. The fact that there is no common numbering system for all firearms, and that some have no number at all, makes the existing records less valuable than they would otherwise be. This fact would become considerably more important if shot guns were brought within the section 1 controls. A common and comprehensive numbering system would assist the computerisation of police firearms records and would be essential if a central record were to be established.

66. The Departmental Committee which reported in 1934 considered the possibility of a common numbering system for newly manufactured or imported weapons, but this possibility was not pursued following publication of their report. Sir John McKay's Working Party re-examined this issue. They concluded that an effective numbering system would have to apply to all firearms, not only those newly manufactured or imported, and that there was much to be said for such a system, for the reasons given in the previous paragraph. They recommended that further consideration should be given to the introduction of a scheme under which each firearm would be stamped in a suitable place with a unique number, made up of a prefix identifying the police area in which a certificate in respect of the weapon was originally issued, and a further number identifying the particular weapon.

67. The introduction of such a system would require detailed working out in consultation with the police, manufacturers and importers, firearms dealers and others concerned. There would be an associated need to examine police procedures for the issue and renewal of certificates. It is proposed that **there should be consultations with those concerned on the possibility of a common numbering system for all section 1 firearms and shot guns, and that statutory powers should be taken to cater for such a scheme by requiring the stamping of unique numbers on all firearms.**

#### *Overseas visitors*

68. Section 14 of the 1968 Act allows a visitor to this country to possess a shot gun for up to 30 days in any one year without a shot gun certificate. There is no similar provision for an overseas visitor to possess a section 1 firearm without a firearm certificate. Section 7 of the Act empowers chief officers to issue permits for the possession of firearms and ammunition so as

to cover temporary situations, e.g. to enable an executor to dispose of firearms after the death of a certificate holder; this section is on occasion used to permit overseas visitors to possess section 1 firearms without a certificate, but was not intended for that purpose.

69. There are two main defects in this situation. The first is that section 14 contains no safeguards to prevent a visitor from selling his shot gun before leaving the country. The section could be, and may have been, used as a loophole for the illegal importation of shot guns. The second is that the firearm certificate procedure, which is designed as a check on the suitability to possess dangerous firearms of residents of this country, does not cater for the needs of those who have a legitimate use for such weapons in the course of a short visit, e.g. to take part in a shooting competition. It is accordingly proposed that **section 14 of the 1968 Act should be repealed, and there should be a new system of visitors' permits for both shot guns and section 1 firearms. Such a permit would be issued on the application of a responsible resident of this country prepared to sponsor the visitor.**

70. The new system would operate as follows. A visitor's permit would be issued in respect of a named individual, resident abroad, who proposed to visit this country temporarily. It would specify the weapons to be covered in the same way as a firearm certificate. Application would be made by a resident of Great Britain prepared to sponsor the visitor, who would be required to provide information on the visitor's date and port of arrival, length of stay and place of residence during the visit. The certificate would be granted only if the chief officer of police was satisfied that the requirements for the issue of an ordinary certificate were fulfilled, so far as he could reasonably ascertain, that the weapons were required only for use in connexion with target shooting or other sporting purposes, and that the sponsor was a responsible person who had a genuine connexion with the visitor. The permit would be valid for up to six months, and would be produced by the visitor at the port of entry to enable the Customs to release the weapon for import. This procedure would also be available for visitors wishing to buy weapons while in this country. There would be precautions to ensure, through the sponsor, that the weapons were properly safeguarded while in this country and that they left the country with the visitor.

#### *Antique firearms*

71. Section 58(2) of the 1968 Act provides that nothing in the Act relating to firearms shall apply to "an antique firearm which is sold, transferred, purchased, acquired or possessed as a curiosity or ornament". "Antique firearm" is not defined, and until recently many police forces regarded firearms over 100 years old, and most ancient muzzle-loading weapons, as antiques. With the passage of time, however, this approach has ceased to be appropriate. It is now more than 100 years since the manufacture of breech-loading firearms began. Because of the demand for reproductions of old weapons, ammunition for them was still being made in the 1960s. There are now breech-loading firearms over 100 years old which are capable of firing metallic cartridges (in particular, pin-fire and teat-fire weapons) and



for which ammunition is available or could be made to special order. These weapons are potentially as dangerous as modern weapons. In some recent cases such weapons have been found in the possession of criminals.

72. There have been varying court decisions on the question what constitutes an "antique firearm", and there is uncertainty among all those concerned. It does not seem necessary to withdraw entirely the exemption for antiques, but it is important that all firearms capable of being used effectively in the same way as modern firearms should be controlled, even if they are of historic interest. It is accordingly proposed that **the law should continue to exempt antique firearms kept as curiosities or ornaments, but should provide that no breech-loading firearm capable of firing, or designed to be capable of firing, a self contained metallic cartridge (i.e. a cartridge consisting of its own case, primer, propellant and bullet) should be treated as an antique firearm for this purpose. This new provision would leave the position relating to genuinely antique muzzle-loading weapons unchanged. Replicas of antiques, however, including replicas of muzzle-loading weapons, should not benefit from the exemption, nor should antiques which are fired from time to time.** The possession of ammunition suitable for use with an antique firearm might go to show that the firearm was not possessed as a curio or ornament. In considering an application for a firearm certificate for an antique a chief officer of police would have regard to its alleged historic importance, and there should be no difficulty about the possession of such weapons by *bona fide* museums.

#### *Prohibition on the possession of firearms*

73. Section 21 of the Firearms Act 1968 provides that a person sentenced to imprisonment for three years or more, or to be detained for such a term in a young offenders institution in Scotland, shall be prohibited for life from possessing a firearm or ammunition. A person sentenced to imprisonment for three months or more but less than three years, or to such a term in a detention centre or a young offenders' institution in Scotland, or to borstal training, is similarly prohibited for five years. The Crown Court has power, on an application by the prohibited person, to remove the prohibition. In the Government's view any person convicted of a crime involving violence, unless it was of a very minor nature, is *prima facie* unfitted to possess a firearm or ammunition even if the court decided in the light of all the circumstances that a custodial sentence should not be imposed. It is therefore proposed that **any person convicted on indictment of an offence involving violence should be prohibited for life from possessing a firearm or ammunition.** The power of the Crown Court to remove the prohibition should ensure that this provision did not operate too harshly or cause unreasonable hardship.

#### *Provisions not to be changed*

74. Sir John McKay's Working Party reviewed the whole of the law and practice relating to the control of firearms. In many respects they found that the existing arrangements were sound. There are four points on which the Working Party recommended no change but which deserve mention.

75. The Working Party examined in detail the existing definition of a "firearm" for the purposes of the 1968 Act, including the question whether cartridge-operated tools should be brought within this definition. The Act

defines a firearm as a lethal barrelled weapon from which any shot, bullet or other missile can be fired. Weapons discharging gas or noxious liquid, components of firearms, and accessories designed to diminish the noise or flash caused by firing, are expressly included. The Working Party concluded that this definition was sound, had stood the test of time, and would be very difficult to improve; and that on present information it was not necessary to bring cartridge-operated tools under the firearm certificate control. But it is proposed in paragraph 35 that power should be taken to extend the category of prohibited weapons.

76. It was suggested to the Working Party that a good deal of work and inconvenience would be avoided, with no significant loss of control, if firearm certificates were valid for five years instead of three. They concluded, however, that the existing three year period between renewals had proved satisfactory in practice, and that any lengthening of this period would be bound to result in the review of the conditions attached to the certificate, and of the arrangements for safe custody of the firearm, becoming too infrequent.

77. On occasion a firearm certificate is issued subject to a condition limiting its use to a specified area of land. It was represented to the Working Party that, if a certificate holder has a good reason for using the firearm and is a suitable person, such conditions should not be necessary. The Working Party did not think that there should be any statutory limitation on a chief officer's general discretion to impose conditions and thought that there might be cases where the "good reason" for possessing a section 1 firearm applied only to a particular piece of land. But they considered that, in exercising his discretion, a chief officer should bear in mind that the imposition of a territorial condition might be unduly restrictive in some cases. In the Government's view this consideration would apply with particular force to shot guns.

78. It was put to the Working Party that difficulties were experienced by some applicants for firearm certificates who proposed to borrow or hire the firearms in question, including persons learning to use firearms. The suggestion was made that there should be special forms of certificates for non-owners and for learners. The Working Party found no evidence of particular dangers or difficulties such as to warrant the introduction of provisional certificates for learners under supervision, and they were aware of no provision in the 1968 Act which precluded the issue of a firearm certificate to an applicant who did not own a firearm. They accordingly saw no need to propose amendments on these points.

## SECTION 9

### Air weapons

79. Air weapons come within the definition of a firearm for the purposes of the Firearms Act 1968, but their possession does not require a firearm certificate unless they are of the type declared by Rules made by the Secretary of State to be specially dangerous. As the figures in the Appendix demonstrate, air weapons account for a high proportion of the offences known to the police involving the use of firearms. The misuse of air weapons occurs predominantly among young people. Many of the offences in which they were used were committed by persons under the age of 21, and involved random shooting at people or property, or forms of bullying or hooliganism. Such behaviour is deplorable, but the injury or damage caused is usually slight. Air weapons also cause some tragic accidents, again usually involving young people, for example, a child's loss of an eye. Though not powerful, they can certainly be dangerous.

80. There is no definite information about the numbers of air weapons or about their owners and users. It is thought that the number of weapons is very considerable. Their main legitimate use is target shooting, which may often be of a casual nature.

81. There are already a number of general restrictions on the possession and use of firearms, and of air weapons specifically, by young persons. These have not proved sufficient to prevent the degree of misuse described in paragraph 79. Section 13 of this paper proposes that these restrictions should be simplified and tightened up, with the particular object of ensuring better supervision of young persons in those circumstances in which they are allowed to use firearms. The amended restrictions could not reasonably be tightened much further. They would, however, still fall far short of a total prohibition on the acquisition and use of air weapons by young people. They should help to contain the problem of misuse, but more cannot be expected of restrictions of this kind.

82. Air weapons are the cause of many injuries and accidents, and of considerable damage, but nearly all of a minor nature. Although they can cause death or serious injury, they do so relatively rarely. Nor are they used in serious crime, although they could be used to threaten. If it were, nevertheless, thought that the situation described above warranted stricter legal provisions, these would have to take the form of a certificate control, with certificates granted only to those who had good reasons for possessing air weapons. If casual target shooting were accepted as a "good reason", then most applications would be granted and the controls would have little effect. If it were not accepted as a good reason, then very many applications would be refused, and the number of air weapons would be drastically reduced.

83. The Government hesitate to suggest such a severe new restriction on a weapon which normally causes only minor injury or damage. They accordingly propose no changes in the existing statutory provisions on air

weapons, apart from those affecting young persons described in section 13. The Government are, however, aware of the concern which exists about the misuse of air weapons, and they would welcome views on this issue.

### *Specially dangerous air weapons*

84. Those air weapons declared to be "specially dangerous" by the Firearms (Dangerous Air Weapons) Rules 1969 (S.I. 1969 No. 47) and in Scotland the Firearms (Dangerous Air Weapons) (Scotland) Rules 1969 (S.I. 1969 No. 270 (S.25)) are covered by section 1 of the 1968 Act. These Rules define specially dangerous air weapons by reference to the kinetic energy of the missile on discharge. This definition causes some practical difficulty, because the kinetic energy of the missile may vary both between different examples of the same weapon and between different firings of the same weapon. But no better definition has been found. The majority of the air weapons concerned, however, are of the "pump up" type; that is, the compressed air reservoir propelling the missile is not charged by a single action, but by repeated operation of a hand pump. Such weapons are capable of varying performance, depending on the number of strokes on the pump at each firing. It is proposed that **the Rules should be amended so as to place all "pump up" air weapons in the specially dangerous category.** This would help to remove the uncertainty about the scope of the present Rules.

## SECTION 10

### Ammunition

85. Section 1 of the Firearms Act 1968 applies to all ammunition except most types of shot gun ammunition, blank cartridges, and ammunition for air weapons. Ammunition for rifles and pistols is subject to certificate control, and the purchase and possession of specified quantities must be authorised by a firearm certificate. Persons dealing in such ammunition must be registered as firearms dealers, and all transactions in the ammunition must be recorded in dealers' registers and on firearm certificates. No change is proposed in those provisions relating to ammunition for rifles and pistols.

#### *Shot gun ammunition*

86. It is proposed in section 7 of this Paper that shot guns should be made subject to section 1 of the 1968 Act. There would, however, be certain practical difficulties in the way of applying section 1 to shot gun ammunition also. The annual sale of shot gun cartridges has been estimated at about 70 million, supplied through some 2,000 retailers, often in quantities of between 50 and 100 rounds. In rural areas it is important that there should be local suppliers of ammunition, not only as a convenience for those in the locality, but also to make it unnecessary to keep large stocks in private premises where effective precautions against theft may be more difficult. A full certificate control on the purchase of shot gun ammunition would involve the recording of a vast number of transactions, imposing a considerable administrative burden on dealers and the police, and some inconvenience for individual shot gun users. A lesser degree of control would, however, avoid these drawbacks while achieving a worthwhile improvement in security. It is accordingly proposed that:

- (a) chief officers of police should have power to include in certificates relating to shot guns conditions requiring the safe keeping of shot gun ammunition;
- (b) it should be an offence for a person to buy or possess such ammunition unless he holds a certificate for a shot gun or is authorised by the holder of such a certificate to buy or possess the ammunition on his behalf.

87. There is a growing practice of bulk buying by shooting syndicates. Under such arrangements the purchaser merely acts as a distributor to his friends, but if the full requirements of section 1 were applied, he would have to register as a dealer. While it is not necessary to go this far, some precautions are desirable to ensure, so far as possible, that shot gun ammunition held in large quantities does not fall into the hands of unauthorised persons. The Government therefore propose that, in order to enable the police to inspect the security of premises where quantities of shot gun ammunition are stored, **those who hold shot gun ammunition in bulk should be required to obtain a special permit from the chief officer of**

**police. The police should be empowered to refuse the permit if the arrangements for storing the ammunition are inadequate or the applicant is unsuitable, and to lay down conditions relating to security arrangements. This permit procedure should not apply to registered firearms dealers, but chief officers should be empowered to attach conditions to dealers' registrations covering the security arrangements for shot gun ammunition. It should also be made an offence to sell shot gun ammunition except on the production of a certificate for a shot gun.**

#### *The ingredients of ammunition*

88. The Firearms Act 1920 controlled the components or ingredients of ammunition in the same way as ammunition itself. Components were, however, omitted from the definition of ammunition in the Firearms (Amendment) Act 1936. This was probably because the controls as framed in the Act of 1920 would have required firms manufacturing and supplying cartridge wads and cases to be registered as firearms dealers, and to keep the records required by the Act. As a result, ammunition is now defined in the Firearms Act 1968 in a way that appears not to include components.

89. The reloading of cartridges by firearms enthusiasts is now common. Equipment, ranging from simple hand tools to sophisticated automatic machines, is available to private purchasers for the manufacture of ammunition. The main ingredients of ammunition are the case, the bullet or shot, the powder, and the percussion caps. The powder in most ammunition is small-arm nitro compound (although occasionally shot gun ammunition contains gunpowder). Gunpowder is controlled under the Control of Explosives Order 1953, but there are no controls over small-arm nitro compound or other components. This means that persons not authorised to possess ammunition can nevertheless acquire freely all the components needed to make that ammunition. In order to rectify this situation, while not preventing the practice of reloading, and to cater for possible future developments, it is proposed that **a person wishing to acquire small-arm nitro compound should be required to obtain an authorisation from the chief officer of police; and there should be power to apply this requirement by statutory instrument to other substances used for the same purpose.**

#### *Air gun ammunition*

90. Most air gun ammunition consists of inert lead pellets, or darts. The more powerful air weapons themselves are already subject to the section 1 controls, and there is no general need to apply controls to conventional ammunition for air weapons. There exists, however, a type of ammunition for air weapons which has a quantity of propellant attached to the bullet. The propellant is self-igniting when subjected to the heat of the compression of air in the barrel. This ammunition makes the weapon considerably more powerful. It is proposed that **self-igniting air gun ammunition should be covered by the controls over ammunition for rifles and revolvers.**

## SECTION 11

### Dealing in firearms and ammunition

#### *Firearms Dealers*

91. Section 3 of the Firearms Act 1968 makes it an offence to carry on a business involving the manufacture, sale, transfer, repair, test or proof of firearms or ammunition without being registered as a firearms dealer. Section 33 of the Act requires each chief officer of police to keep a register of firearms dealers. Any person having a place of business in the police area is entitled to inclusion in this register, on furnishing the prescribed particulars and paying the prescribed fee, unless:

- (a) he is prohibited under the Act from being registered (e.g. by reason of having been convicted of crime, or being of unsound mind or under the age of 17); or
- (b) the chief officer of police is satisfied that he cannot be permitted to carry on business as a dealer in firearms without danger to the public safety or to the peace.

There is a right of appeal to the Crown Court against a refusal of registration.

92. In considering an application for registration, the chief officer of police takes account of the character, antecedents and background of the applicant, his experience and knowledge of firearms, and the security of his premises. But the chief officer's power to refuse registration is negative and limited. He is required to register the applicant unless he has concrete evidence, of a kind that could be given in the Crown Court in the event of an appeal, that the public safety or the peace would otherwise be endangered. If, for instance, nothing is known about the applicant, the chief officer has no alternative but to register him. The applicant does not have to make out a case for registration, although registration entitles him to hold and trade in large quantities of firearms. This is a striking contrast with the much stricter test which must be satisfied in order to obtain a certificate even for a single section 1 firearm.

93. In the Government's view, the stringent controls over firearms in private hands ought to be matched by an equally strict control over dealers. The plea that there should be almost unfettered freedom to engage in trade, even in lethal weapons and ammunition, is no longer valid in present circumstances. The Government accordingly propose that **those wishing to deal in firearms and ammunition should be registered only if their personal suitability is positively established to the satisfaction of the chief officer and their premises are suitable for the safe keeping of firearms and ammunition.** Meanwhile consultations will be held with chief officers of police with a view to the formulation of guidance on the security precautions required in such premises.

#### *Mail order sales of firearms and ammunition*

94. The present law contains no provisions governing the methods of selling firearms and ammunition. There are no restrictions on mail order

sales. As a result, dangerous firearms and ammunition can be sent long distances unattended, by methods which provide no security against theft en route. Some mail order dealers take care to send weapons and ammunition by a secure method, but there is no legal requirement to do so. In the case of those firearms and ammunition for which a certificate is required, the certificate has to be sent to the seller so that he can satisfy himself, before despatching the goods, that their possession is authorised by the certificate in question. But he has no means of checking whether the person ordering the firearms or ammunition is the holder of that certificate. Air weapons, for which no certificate is required, are widely used by young people, and the law prohibits their purchase by anyone under the age of 17. A mail order dealer has no means of being certain of the age of the purchaser of an air weapon. These risks of evasion of the law are inherent in mail order sales, and could not all be removed by the introduction of new safeguards or restrictions falling short of prohibition. There are accordingly grounds for suggesting that mail order is an unsuitable method of trading in dangerous weapons and ammunition, and the Government would welcome comment on the proposal that **mail order sales of firearms and ammunition should be banned.**

#### *Dealing in firearms as a hobby*

95. Apart from providing inadequate control over the suitability of firearms dealers and their premises, the present law means that the chief officer must register any person who produces colourable evidence that he intends to buy and sell firearms on a reasonably regular basis, even if he is doing so, in effect, as a hobby. Sir John McKay's Working Party found that both the Association of Chief Police Officers and the gun trade were concerned about the number of dealers operating from private houses. Apart from the resultant security dangers, the Working Party found evidence that some part-time dealers had not been scrupulous in observing the law, and that some firearms had reached unauthorised hands from such dealers. It is proposed that **persons who wish to deal in firearms as a side line or hobby from a private residence should no longer be entitled to registration. Registration should be granted only to those who are full-time dealers, or whose dealing in firearms is a reasonable ancillary to their main business, and whose premises are considered satisfactory by the police.** This change will inevitably put a stop to what is, for some people, an entertaining, and perhaps a profitable, activity, but in the Government's view, considerations of public security must be paramount.

#### *Young dealers*

96. It is an anomaly that persons under the age of majority, who are not regarded as old enough to control all their personal affairs, should nevertheless be eligible for registration as dealers in lethal firearms and ammunition. The new test of personal suitability for registration proposed in paragraph 93 will mean that the chief officer will be able to take comparative youth into account in considering an application. But it would not in any event be appropriate to license minors to deal in arms, and it is proposed that **the age of majority should be the minimum age for registration as a firearms dealer.**

### *Dealers' Registers*

97. Section 40 of the Firearms Act 1968 requires firearms dealers to keep a register of all transactions. Schedule 4 of the Act and Rule 18 and Schedule 9 of the Firearms Rules 1969\* prescribe the particulars to be entered, the form of the register, and the manner in which the register is to be kept. These provisions are designed to ensure that details of firearms and transfers of firearms are recorded, as an additional check against leakage into unauthorised hands. The maintenance of these records imposes a considerable administrative burden on dealers. The Working Party examined, in particular, the difficulties caused by the manner of keeping records of transactions involving shot guns now prescribed. It was represented to them that there is a less onerous method of keeping records used by some shot gun dealers which enables them to account for all shot guns in their possession and to provide the police with any information which might be required about a particular weapon. It is accordingly proposed that **the law should be amended to allow chief officers of police to exempt, from the requirement to keep registers in the prescribed form, dealers and manufacturers who keep other records of a kind satisfactory to the police.**

98. Dealers' records can contribute to the investigation of crime by making it possible to trace weapons sold some time before. There is, however, no requirement on dealers to retain their registers and supporting documents for any minimum period of time. Such a requirement would not impose a large burden on dealers. It is proposed that **dealers should be required to retain their registers and other documents for a minimum period of 5 years after the last transaction.**

99. The police sometimes experience difficulty in checking the registers of a dealer who has more than one place of business. In order to remove this difficulty, it is proposed that **a dealer should be required to keep a separate register for each separate place of business and to record transfers of weapons between these separate places of business. This requirement could be waived by the chief officer in the circumstances described in paragraph 97, where he was satisfied that the records, although kept in a different way, were adequate for the purposes of recording transfers between premises.**

### *Game fairs*

100. The law at present makes no provision for a firearms dealer to set up temporary premises at a game fair or similar exhibition, which may take place in a different part of the country each year. There should be no need for an established dealer to take out a separate registration with the police in such circumstances. It is proposed that **the law should permit a dealer to exhibit at a game fair or similar exhibition if he obtains from the chief officer of police for the area of the fair a temporary permit, which should impose appropriate conditions as to security.**

### *Repairs etc. by dealers*

101. Sections 3 (3) and 8 (2) (b) of the 1968 Act require a firearms dealer who receives a weapon for purposes of repair, testing or proof to make sure, on receiving it, that it is held under the appropriate certificate. The Government agree with representations from the gun trade that **the law should be amended to require the dealer to see a certificate authorising possession of a weapon received for repair etc. not when it is brought in, but before handing it back.** This arrangement would be both more convenient and a better protection against these weapons falling into the wrong hands.

### *Firearms and ammunition in transit and in store*

102. Concern has been expressed, with cause, about the security of firearms and ammunition in transit. Section 9 of the 1968 Act permits a person carrying on the business of a carrier, or his servant, to possess a firearm or ammunition without a certificate in the ordinary course of his business. Section 9 also applies to a warehouseman, who can store firearms and ammunition without a certificate in the course of his business. In short, carriers and warehousemen are exempt from the firearms controls. Moreover there have been incidents which show that not all firearms dealers act responsibly over the question of security in transit. There is no specific provision in the present law to prevent large quantities of firearms and ammunition being transported about the country or stored with no proper protection against theft or against hi-jacking of lorries used for their transport. The Working Party received some evidence to show that, even today, this can happen.

103. Large consignments of firearms are likely to originate only from registered dealers. Chief officers of police have power to attach conditions to the registration of firearms dealers, and could include on a dealer's certificate a condition requiring him to ensure that all firearms or ammunition which he transports, sends, collects or stores in Great Britain are handled in conditions of adequate security. The precise nature of such a condition in a certificate would vary according to the circumstances. It is most important that such conditions should be practicable, and, so far as possible, enforceable. It is accordingly proposed that **the Home Departments should consult chief officers of police, the gun trade, and transport interests, with a view to devising a range of suitable conditions requiring the secure transportation and storage of firearms and ammunition to be made a condition of registration as a dealer.** Conditions of this kind can also be included, as required, in firearm certificates.

\* S.I. 1969, No. 1219 in England and Wales, and S.I. 1969, No. 1453 (s. 116) in Scotland.

## SECTION 12

### Rifle clubs, cadet corps and shooting galleries

#### *Clubs and cadet corps*

104. Section 11 (3) of the Firearms Act 1968 permits a member of a rifle club, miniature rifle club or cadet corps approved by the Secretary of State to possess a firearm and ammunition without a firearm certificate, when he is "engaged as a member of the club or corps in, or in connexion with, drill or target practice". A member who wishes to use a firearm or ammunition in any other circumstances must obtain a certificate. When an application for the Secretary of State's approval of a club is received, it is the practice of the Home Departments to ask the appropriate chief officer of police to make enquiries about the *bona fides* of the club, and to confirm that a range safety certificate, issued by the military authorities and covering the appropriate categories of weapons, has been issued for each range to be used by the club. There are no reliable figures of clubs currently approved, but the number is believed to be about 5,000 in England and Wales.

105. It is unsatisfactory that the safeguards relating to clubs, where numbers of arms and quantities of ammunition are kept, should be less strict than those relating to individuals. There is no provision for the checking and re-approval of clubs; once approved they do not have to re-apply. There is no power to impose conditions on their approval. Circumstances could arise where continued approval would not be justified—if unsuitable officers were appointed, or security became lax—but this might not come to notice. These weaknesses in the present law would no longer exist if the procedure and safeguards for the control of clubs approximated more closely to the firearm certificate procedure. This could be done without placing unnecessary new restrictions on those who wish to enjoy the sport of target shooting.

106. The National Rifle Association and the National Small-bore Rifle Association told Sir John McKay's Working Party that they wished the Secretary of State to continue to be the approving authority because, in their view, the present arrangements worked well. As a matter of practice, however, the Secretary of State relies on the advice of the chief officer of police in deciding whether to approve a club. There is no reason why the approval of clubs, as distinct from cadet corps under the control of the Ministry of Defence, should be a function of central Government while the issue of firearm certificates is not. Chief officers are in a better position to obtain and assess the relevant facts and to maintain continuing supervision.

107. It is accordingly proposed that in future the approval of a club should take the form of a firearm certificate issued to the responsible officer of the club by the chief officer of police for the area in which the club's premises are situated or, if the club has no permanent premises, by the chief officer for the area in which the responsible officer of the club resides. This procedure would have several advantages. Approval would no longer be permanent, and could be kept under review. It would be made clear that conditions as to security and other matters could be imposed and regularly

reviewed. It would ensure that comprehensive records were kept of firearms and ammunition in the possession of clubs and of transfers of firearms. There would be rights of appeal to the Crown Court, as with ordinary certificates.

108. During 1971 an armoury at a rifle club was broken into by a criminal and one of the stolen firearms was subsequently used by the criminal to murder a police officer. Rifle club armouries are likely to contain a number of firearms and many rounds of ammunition. For this reason, and because the existence of the armoury would be known locally, it is likely to receive attention from those who wish to obtain firearms and ammunition for criminal or subversive purposes. This is a consideration which chief officers of police would have to bear in mind when considering what security conditions to attach to certificates for rifle clubs.

#### *Miniature rifle ranges and shooting galleries*

109. Section 11 (4) of the 1968 Act permits a person conducting or carrying on a miniature rifle range (whether for a rifle club or otherwise, and whether or not the club is approved by the Secretary of State) or a shooting gallery at which only air weapons or miniature rifles not exceeding .23 inch calibre are used, to acquire and possess such rifles, and their ammunition, without a certificate. Any person may, without holding a certificate, use any such rifle and ammunition at such a range or gallery. The miniature rifle range or shooting gallery is a well established and popular feature of fairgrounds and amusement parks. The Working Party found no reason for prohibiting or curbing this traditional form of amusement. The wording of the present law is, however, wide enough to permit the use at these ranges and galleries of certain powerful small-bore military weapons which have been developed in recent years. It is accordingly proposed that **the present exemption for miniature rifle ranges and shooting galleries should be amended so as to exempt only those miniature rifles chambered for cartridges no larger than those commonly known as .22 Long Rifle cartridges.** This change would have the effect of excluding from the exemption all the powerful military rifles with a calibre of less than .23 inch, while allowing the use of the type of .22 rifle which has long been used in fairground galleries and other miniature rifle ranges.

110. There is no sufficient reason why persons who conduct these ranges and galleries should be exempt from the requirements to obtain a firearm certificate. On the contrary, there ought to be safeguards to ensure the suitability of these persons, and the security of the weapons and ammunition. There was a recent tragedy in which three French tourists were killed by a man armed with a rifle stolen from a fairground; enquiries revealed that this rifle had been left in insecure conditions. Accordingly, it is proposed that **a person carrying on a miniature rifle range or a shooting gallery should be on the same footing as other persons as respects the requirement to obtain a firearm certificate for all weapons and ammunition to which the certificate procedure applies.** The certificate should include general conditions for the safe keeping of the rifles and ammunition, for example, that when the gallery was closed the rifles should be removed to a secure cabinet. The certificate should be issued by the chief officer of police for the area of the applicant's normal residence, and the certificate and the conditions should be valid in any part of Great Britain to which the range or gallery might be moved.



## SECTION 13

### Young persons

111. The existing law, contained in sections 22-24 of the Firearms Act 1968 incorporates a variety of restrictions on the possession and use of firearms by the young. These have been introduced from time to time over the last 50 years. They are now complicated, anomalous and out of date. Further complication is caused by the parallel existence of restrictions on the sale, hire or gift of firearms by adults to young persons. For example, there is a general requirement that a child under 14 may not use any firearm unless properly supervised. This age was chosen because it is the dividing age between a child and a young person for the purposes of the Children and Young Persons Acts; that distinction is without significance for the quite different purposes of firearms control. To give another example, children under 15 are prohibited (with certain exceptions) from having shot guns in their possession. This was partly because 15 was the school leaving age at the time this restriction was introduced. The school leaving age is now 16, and nobody under that age can now have a full time job (e.g. in gamekeeping) which might require him to use a shot gun unsupervised.

112. The Government accept the view, which has long been held, that the law should make proper provision for introducing the young to the use of firearms, and for enabling them to receive proper instruction, provided always that adequate supervision is given by a responsible adult. Judging by the disturbing number of injuries to young persons regularly caused by other young persons, especially in the 14-16 age group, and especially by the misuse of air weapons, the existing law is not sufficiently effective for this purpose. In addition to injuries caused to persons, strong concern was expressed to the Working Party by the National Farmers' Union about damage caused in the countryside by young persons with firearms.

113. The Government propose that the law on firearms and the young should be made both stricter and simpler, and should be as follows:

**(a) Prohibitions applying to all those under the age of 18.**

- i. The buying or hiring of a firearm of any kind.
- ii. The possession of any section 1 firearm, unless it is being carried for a certificate holder, or is being used by a member of an approved rifle club or cadet corps in the course of practice or drill, or is being used at a miniature rifle range or shooting gallery.
- iii. The possession of a shot gun or air weapon in a public place unless it is securely fastened in a gun cover so that it cannot be fired or unless under the supervision of an adult.

**(b) Prohibitions applying only to those under 16.**

- i. The possession of a shot gun in a private place, unless in the circumstances specified in (a) iii.

- ii. The possession of an air weapon in a public place other than a shooting gallery, or in private unless under the supervision of an adult and then on condition that no missile is fired beyond the premises on which the firing occurs.

**(c) Prohibitions applying to all persons.**

- i. The sale or hire of any firearm to a person under 18.
- ii. Giving or parting with the possession of a firearm in circumstances where the recipient would be prohibited under (a) or (b) from having it in his possession.

## SECTION 14

### Imitation firearms

114. Replica firearms capable of firing are subject to control under the 1968 Act. There is, however, a range of exact replicas of firearms, widely on sale in this country, which are designed so that they cannot be fired. This range includes exact replicas of a sub-machine gun and of most of the common types of revolvers and pistols. Even an expert would find difficulty in distinguishing them from genuine firearms by looking at them. Their conversion into weapons which could be fired, however, would require expert knowledge and workmanship, and sophisticated equipment. Even then, because of the soft metal of which they are made, it is doubtful whether they could be fired without danger of malfunction or explosion. As the law stands, these replicas are not subject to control.

115. In addition to exact replicas, which are relatively expensive, there are also some widely available and relatively cheap children's toy firearms which, although not exact replicas, are realistic. To inexperienced eyes, or in poor light, or from a distance, and particularly in situations of stress, they could be mistaken for genuine firearms. The same is true of those air pistols and starting pistols for which no firearm certificate is required.

116. The law penalises heavily the use of imitation firearms for criminal purposes. It is an offence to carry an imitation firearm with intent to commit an indictable offence, or to possess an imitation firearm at the time of committing or being arrested for one of a number of specified offences. The Criminal Justice Act 1972 has increased the maximum penalty for these offences to 14 years' imprisonment. It is nevertheless quite widely felt that to penalise actual criminal uses of imitation firearms is not sufficient, and that the availability of realistic imitation firearms should be restricted.

117. Sir John McKay's Working Party doubted whether the availability of exact replicas contributed significantly to crime, given the ready availability of many other things, including toy pistols and air pistols, which could be and were used by criminals and which could not readily be distinguished from lethal weapons by those unfamiliar with guns. The Working Party saw few legitimate uses for these replicas, however, apart from use by theatre companies. They accordingly suggested that it would be desirable to ban their general sale, if some way could be found of doing so without interfering with the sale of children's toys or starting pistols. They pointed out that it would be difficult to devise a definition which avoided such interference, since if the new restrictions applied only to *exact* replicas, manufacturers would be able to take their products outside the scope of the ban by making some minor alteration.

118. The firearm certificate procedure is designed for the control of lethal weapons. Any ban on imitations which, by definition, were not in themselves dangerous would rest on a totally different footing. The basic case for such a ban is that imitation firearms can be used to threaten, thereby

facilitating crime, and accordingly it is wrong that they should be so widely available. Moreover their use for criminal purposes may lead to a shooting incident, and this may endanger innocent bystanders, even though the imitations themselves cannot be fired. Any ban imposed on this basis would, however, have to extend to all reasonably realistic imitations if it were to achieve its purpose. Little would be gained by banning exact or nearly exact replicas, which are relatively expensive, because many other cheaper, and quite realistic, imitation firearms would remain fully available.

119. In considering the possibility of a ban, therefore, three difficulties arise. The first concerns the design of children's toys. If realistic toy firearms were prohibited manufacturers and importers would have to take special care that their toy firearms were not likely to be mistaken for the real thing, and the age-old children's tradition of playing with realistic toy weapons would, in relation to firearms, be much affected. Second, it would not be practicable to ban the possession, as well as the manufacture, import and sale, of realistic imitations. There are many thousands of these imitations and replicas in circulation, and a legal requirement to hand them in or destroy them would be unenforceable. Third, air weapons and starting pistols are not imitations, and they have legitimate uses. They would have to be excluded from the ban, and would remain available for use by criminals so inclined.

120. A further difficulty concerns who would decide what was a realistic imitation firearm. If this were left to the courts to decide when a prosecution was brought, manufacturers, importers and retailers would have no means of being sure in advance whether they were contravening the law. It has been suggested that, in order to overcome this difficulty, there should be a vetting committee for imitation firearms, consisting of representatives of appropriate interests, who would recommend to the Secretary of State whether or not a particular imitation submitted to them should be banned. Upon receipt of a recommendation to ban a specified imitation he would make an order prohibiting the importation, manufacture or sale of that imitation. If a person submitting an imitation to the committee was informed that they had decided to make no such recommendation to the Secretary of State, this would establish in the law that it was not covered by the ban. The Government welcome this constructive suggestion, which would offer certainty to those concerned about their position under the law.

121. The Government recognise the widely held view that, despite the difficulties outlined in paragraph 119, something ought to be done about imitation firearms. This is a problem on which they would particularly welcome the views of all concerned, including parents and other members of the general public. They accordingly put forward for comment the proposition that **there should be a ban on the manufacture, import and sale of realistic imitations (including toys) which, whether or not they are exact replicas, are reasonably likely to be mistaken for genuine firearms. Imitations subject to this ban should be specified in Orders made by the Secretary of State on the recommendation of a vetting committee, as described in paragraph 120.**



## SECTION 15

### Penalties

122. Offences against the firearms law, even lesser offences committed thoughtlessly rather than wilfully, may have serious or tragic consequences. The penalties for offences under the Firearms Act have already been reviewed, and the maximum penalties for a number of them have been raised by the Criminal Justice Act 1972. The offences of possessing a firearm with intent to endanger life, and using a firearm to resist arrest, both now carry a maximum sentence of life imprisonment. The maximum sentence for the offences of carrying a firearm or imitation firearm with intent to commit an indictable offence, and possessing a firearm while committing any one of a number of specified offences, is now 14 years' imprisonment. The maximum fines for all Firearms Act offences tried summarily have also been increased, partly to take account of the change in the value of money since they were last revised in 1965.

123. The offence under section 2(1) of the Firearms Act 1968 of possessing a shot gun without a certificate is not at present triable on indictment. The offence under section 1(1) of possessing a section 1 firearm without a firearm certificate can be tried on indictment and carries a maximum penalty of three years' imprisonment. In view of the extent to which shot guns are now used in crime, and the proposal to apply the section 1 controls to them, this difference no longer seems justifiable. It is accordingly proposed that **it should be possible in more serious cases to try the offence of possessing a shot gun without a certificate on indictment and the maximum penalty should be three years' imprisonment, as with section 1 firearms.**

## SECTION 16

### A firearms amnesty

124. This Green Paper has set out the Government's proposals for tightening the law on firearms. Legislation is not, however, the only means by which the availability of firearms to criminals can be reduced. On seven occasions since 1933 there have been firearms amnesties (that is, appeals for the surrender of firearms coupled with assurances that those surrendering them would not be prosecuted for possessing them without a certificate). An amnesty provides those in illegal possession of firearms with an opportunity to dispose of them without fear of prosecution, so reducing the number of illegally held firearms in circulation. The practice has been for the Home Secretary to consult chief officers of police about the desirability of an amnesty, and then to ask them not to prosecute for illegal possession persons handing in firearms during the amnesty. Corresponding action is taken in Scotland. The last amnesty was held in 1968, immediately before the provisions of the Criminal Justice Act 1967 about shot gun certificates came into operation; over one-third of the firearms handed in then were unwanted shot guns.

125. The figures of firearms handed in during previous amnesties suggest that there are considerable numbers of illegally held firearms which will be handed in when their possessors are given the opportunity to do this without fear of prosecution. If amnesties were too frequent, the impression might be given that the illegal possession of firearms was not a serious offence, and those holding firearms without certificates might be encouraged to retain them in the belief that there would always be an opportunity to hand them in next time there was an amnesty. It is, however, more than five years since the last amnesty, and in the Government's view the time has come to hold another. **The Government are accordingly in consultation with chief officers of police about whether an amnesty should be held as soon as practicable or whether it would be preferable, if legislation on the lines set out in this paper is enacted, that an amnesty should be held immediately preceding the date on which the legislation comes into force.** This consultation will also cover the detailed arrangements for the amnesty, and will include consideration of the suggestion that the sale of illegally held weapons to firearms dealers should be permitted, subject to suitable safeguards, as well as handing in to the police. The amnesty will be complementary to the proposals in this Green Paper, and will constitute a further important aspect of the steps which the Government is proposing in the drive against armed crime.

## STATISTICAL APPENDIX

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Total number found guilty or cautioned	...	...	...	22	67
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Sentences given to persons found guilty	...	...	...	23	67
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## INTRODUCTION

The best measure at present available of the extent to which firearms are connected with crime is provided by the statistics of offences recorded as known to the police<sup>(1)</sup> in which firearms were involved. Certain analyses of these are given in Tables 1 to 21. The data for 1969 to 1971 were taken from police reporting documents introduced in 1969. Earlier figures were obtained from a report<sup>(2)</sup> on firearms in crime published in 1970.

Statistics are collected of all criminal proceedings at courts but they do not, in general, distinguish between offences which involve firearms and those which do not. The only exception to this is for offences under the Firearms Act 1968. Thus, statistics of sentences awarded for offences under the Firearms Act<sup>(3)</sup> form the only measure available of the way courts deal with offenders guilty of offences involving firearms. Some of these statistics are given in Tables 22 and 23 which also give details of the number of persons cautioned as an alternative to prosecution for the various offences under the Firearms Act.

Offences under sections 16 to 18 of the Act are indictable and are, therefore, included amongst the "offences recorded as known to the police" in Tables 1 to 21, where they are shown under "assaults". Persons found guilty of, or cautioned for, these offences are included in Tables 22 and 23. The remaining offences under the Firearms Act are not included amongst those recorded as known to the police but persons found guilty of them, or cautioned for them, are included in the appropriate parts of Tables 22 and 23.

The terms below are used in this Appendix with the meanings shown. The terms used in Tables 22 and 23 are defined as in the Firearms Act 1968.

USED	fired, used as a blunt instrument to cause injury or damage, or used as a threat
CARRIED	in the possession of an offender during the commission of an offence but not used, even to threaten, and so unknown to the victim at the time
DISHONESTLY ACQUIRED	stolen, obtained by fraud or forgery or dishonestly handled. It should be noted that this does not include offences under the Firearms Act 1968
INVOLVED	used, carried or dishonestly acquired
FIREARM	a lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged, or an object mistaken for such a weapon by the victim of the offence

<sup>(1)</sup> The term "Offences recorded as known to the police" covers indictable offences known to the police except those offences of criminal damage of £100 or under in value which became indictable in October 1971 under the Criminal Damage Act 1971.

<sup>(2)</sup> "Firearms in Crime" by A. D. Weatherhead and B. M. Robinson. A Home Office Statistical Division Report (H.M.S.O. 1970).

<sup>(3)</sup> Except sentences awarded for offences under s. 3 (6), pawnbrokers taking firearms or ammunition in pawn, which are recorded together with other pawnbroking offences and are not available separately.

SHOT GUN	a smooth-bore gun other than an air gun
LONG-BARRELLED SHOT GUN	a shot gun with a barrel not less than 24 inches long
SAWN-OFF SHOT GUN	a shot gun with a barrel less than 24 inches long
MACHINE GUN	any weapon that can be continuously fired, i.e. a weapon prohibited under s. 5 (1) (a) of the Firearms Act 1968
SUPPOSED	for offences in which the victim believed that a firearm was present but in which a firearm was not fired and was not seen by the victim, and where there was no subsequent evidence of its presence, a "supposed" firearm is recorded

In classifying weapons for inclusion in the tables:

- (i) air pistols and air rifles have been included under the heading "air weapon";
- (ii) machine pistols and sub-machine guns have been included under the heading "machine gun";
- (iii) revolvers and automatic pistols have been included under the heading "pistol".

## OFFENCES RECORDED AS KNOWN TO THE POLICE IN WHICH FIREARMS WERE INVOLVED

Table 1 shows the number of offences recorded as known to the police in which firearms were involved. The columns headed "firearms used" and "firearms carried" cover mainly those cases where a firearm was involved in the offence because it was a weapon, though the "firearms used" column also covers cases where a firearm was used as a tool e.g. to facilitate entry into a building. The columns headed "firearms dishonestly acquired" cover those cases where the firearm was involved merely as a piece of property.

From the table, it will be noted that the rate of increase in the number of offences in which a firearm was used was somewhat greater than the rates of increase in the other two groups.

Table 1

Offences, recorded as known to the police, in which firearms were involved 1967-71

	Firearms used		Firearms carried		Firearms dishonestly acquired	
	Number of offences	Index 1969=100	Number of offences	Index 1969=100	Number of offences	Index 1969=100
1967	792	—	71	—	1,476	—
1968	878	—	84	—	1,542	—
1969	1,308	100	100	100	1,881	100
1970	1,350	104	104	93	2,333	108
1971	1,735	133	127	117	2,384	118

Note: It is thought that there was a change in reporting practice for some types of offence with the introduction of the new reporting documents in 1969. For this reason, 1969 was chosen as base year for the index.

Clearly, the police can only record offences which come to their notice; equally they can only record such details of an offence as they are able to discover. The presence of a firearm in an offence in which it was carried, but not used, would be less likely to come to police notice than the presence of a firearm in an offence in which it was used. Also, there is a lower likelihood that a theft of a firearm for which no certificate was held would be reported than that a theft of a legally held firearm would be reported. For these reasons, the true relative sizes of the groups are difficult to assess.

## OFFENCES IN WHICH FIREARMS WERE USED

### All offences

Table 2 gives further details about the types of offences recorded as known to the police in which firearms were used. As can be seen, there were substantial increases in both major offence groups—assaults and robberies.

**Table 2**

### Type of offence in which firearms were used 1967-71

Number of offences

	Type of offence						All offences
	Homicide	Assaults other than homicide	Burglary <sup>(1)</sup>	Robbery <sup>(1)</sup>	Malicious damage <sup>(2)</sup>	Other <sup>(1)</sup>	
1967 ...	46	453	7	265	6	15	792
1968 ...	43	443	2	372	8	10	878
1969 ...	26	742	50	463	9	18	1,308
1970 ...	29	791	36	475	14	14	1,359
1971 ...	38	1,036	41	572	25	23	1,735

<sup>(1)</sup> Burglary (some offences under this heading were previously known as "breaking and entering"), robbery and certain offences in the "other" group were redefined by the Theft Act 1968. As a result, figures for these groups in 1967 and 1968 are not directly comparable with those in succeeding years.

<sup>(2)</sup> Malicious damage: only those offences in which the value of property damaged was over £100 are included.

**Table 3**

### Offences in which firearms were used: type of weapon 1967-71

Number of offences

	Pistol	Air weapon	Long-barrelled shot gun	Sawn-off shot gun	Rifle	Starting gun	Imitation	Supposed	Machine gun	Other firearm	Total
1967	174	318	184	17	16	18	44	13	8		792
1968	182	332	203	49	9	27	51	21	4		878
1969	233	591	236	65	38	22	50	64	2	7	1,308
1970	213	671	205	87	38	15	69	51	4	6	1,359
1971	267	888	296	88	37	15	86	55	1	2	1,735

Table 3 shows the types of weapon involved in offences in which firearms were used. An analysis of this table shows that the use of air weapons has increased faster than the total use of all other types of weapon. The proportionate uses of long-barrelled shot guns and pistols fell, despite the fact that the actual number of offences in which these weapons were used increased considerably.

**Table 4**

### Robberies and serious assaults in which firearms were used: type of weapon 1969-71

Number of offences

Offence classification	Weapon						Total offences in which firearms were used
	Shot gun		Pistol	Rifle	Air weapon	Other	
	Sawn-off	Long- barrelled					
Murder							
1969 ...	2	8	5	1	—	—	16
1970 ...	2	10	8	4	—	—	24
1971 ...	—	15	7	5	—	—	27
Attempted murder							
1969 ...	6	26	16	2	—	1	51
1970 ...	3	17	10	4	1	1	36
1971 ...	2	29	19	2	2	1	55
Manslaughter							
1969 ...	—	5	1	4	—	—	10
1970 ...	—	5	—	—	—	—	5
1971 ...	—	9	1	—	—	1	11
Wounding*							
1969 ...	4	54	17	8	28	9	120
1970 ...	5	50	18	1	40	8	122
1971 ...	5	59	21	7	55	6	153
Robbery							
1969 ...	46	94	168	6	34	115	463
1970 ...	72	88	163	5	39	108	475
1971 ...	74	133	203	9	37	116	572

\* The following offences are included in this group:

Wounding with intent to do grievous bodily harm or to resist apprehension.  
Shooting at naval or revenue vessel.  
Possession of firearms with intent to endanger life.  
Using a firearm with intent to resist arrest.

Table 4 shows the types of weapon used in certain specific offences in 1969-71. The offences shown under the headings shot gun, pistol and rifle in this table account for about 85 per cent of all offences involving the use of such weapons in this period.

Table 5 shows that in about half the offences in which firearms were used no injury was caused by firearms: most of the offences in which there was no injury were robberies where the firearm was used to threaten, although in some of them the firearm was fired and caused property damage only.

**Table 5**

**Offences in which firearms were used : injuries  
1967-71**

Number of offences								
			Degree of injury					All offences
			Fatal	Serious	Slight	No injury		
						Threat	Other	
1967	...	...	46	66	324	305	51	792
1968	...	...	43	64	310	411	50	878
1969	...	...	26	141	518	484	139	1,308
1970	...	...	29	132	555	531	112	1,359
1971	...	...	38	119	753	621	204	1,735

It can be seen from Table 6 that in each year more than half the fatal injuries were caused by shot guns. Pistols and rifles accounted about equally for the remaining deaths. On the other hand, most non-fatal injuries were caused by air weapons—about 72 per cent in 1967, rising to 87 per cent in 1971.

**Table 6**

**Offences in which firearms were used and persons were injured :  
injuries and type of weapon  
1967-71**

Number of offences											
Degree of injury	Type of weapon										Total
	Pistol	Air weapon	Long-barrelled shot gun	Sawn-off shot gun	Rifle	Starting gun	Imitation	Supposed	Machine gun	Other firearm	
1967											
Fatal ...	12	—	26	←—————→			8	—————→			46
Serious ...	17	26	21	←—————→			2	—————→			66
Slight ...	16	256	47	←—————→			5	—————→			324
Total	45	282	94	←—————→			15	—————→			436
1968											
Fatal ...	11	—	27	←—————→			5	—————→			43
Serious ...	13	24	23	←—————→			4	—————→			64
Slight ...	8	268	24	←—————→			10	—————→			310
Total	32	292	74	←—————→			19	—————→			417
1969											
Fatal ...	6	—	13	2	5	—	—	—	—	—	26
Serious ...	20	72	39	1	8	—	1	—	—	—	141
Slight ...	19	440	35	3	11	5	2	1	—	2	518
Total	45	512	87	6	24	5	3	1	—	2	685
1970											
Fatal ...	8	—	15	2	4	—	—	—	—	—	29
Serious ...	12	80	24	6	8	1	—	1	—	—	132
Slight ...	6	506	21	6	13	—	—	—	—	3	555
Total	26	586	60	14	25	1	—	1	—	3	716
1971											
Fatal ...	8	—	24	—	5	—	—	—	—	1	38
Serious ...	18	67	27	5	1	—	—	—	1	—	119
Slight ...	8	689	37	6	8	1	3	1	—	—	753
Total	34	756	88	11	14	1	3	1	1	1	910

Table 7 shows that of all offences in 1971 in which an air weapon was used and caused slight injury, and the ages of both victim and offender were known, about 65 per cent were committed by persons aged under 17 on victims also aged under 17; a further 14 per cent involved only persons aged under 21.

**Table 7**

**Offences in which firearms were used and caused injury: ages of offenders and victims, injury and type of weapon  
1971**

Number of offences														
Age of offender	Age of victim	Fatal injury				Serious injury				Slight injury				Total
		Shot gun	Air weapon	Other firearm	Total	Shot gun	Air weapon	Other firearm	Total	Shot gun	Air weapon	Other firearm	Total	
10 to 13	Under 17 and over	— 1	— —	— —	— 1	— —	5 1	— —	5 1	— —	98 14	— —	98 14	103 16
	Total	1	—	—	1	—	6	—	6	—	112	—	112	119
14 to 16	Under 17 and over	— 1	— —	— —	— 1	— —	27 3	— 1	27 4	— —	257 55	3 —	260 55	287 60
	Total	1	—	—	1	—	30	1	31	—	312	3	315	347
17 to 20	Under 17 and over	1 1	— —	— 1	1 2	1 3	7 3	1 —	9 6	3 7	52 22	2 2	57 31	67 39
	Total	2	—	1	3	4	10	1	15	10	74	4	88	106
21 and over	Under 17 and over	3 17	— —	— 12	3 29	1 22	3 7	— 12	4 41	1 20	22 23	1 6	24 49	31 119
	Total	20	—	12	32	23	10	12	45	21	45	7	73	150
Not known	Under 17 and over	— —	— —	— 1	— 1	— 5	7 4	— 6	7 15	2 10	97 49	1 6	100 65	107 81
	Total	—	—	1	1	5	11	6	22	12	146	7	165	188
All ages	Under 17 and over	4 20	— —	— 14	4 34	2 30	49 18	1 19	52 67	6 37	526 163	7 14	539 214	595 315
	Total	24	—	14	38	32	67	20	119	43	689	21	753	910

Comparing 1971 figures with those for 1968, the earliest year for which this information is available, the age distribution of victims has remained fairly constant, as has the age distribution of offenders who caused serious injury. There has however been a marked shift downward in the age distribution of offenders who caused slight injury with air weapons (see Table 8).

**Table 8**

**Offences in which air weapons caused slight injury and age of offender was known  
1968-71**

Age of offender	Number				Percentage			
	1968	1969	1970	1971	1968	1969	1970	1971
Under 17 ...	124	237	262	424	61	66	69	78
17 or over ...	79	121	116	119	39	34	31	22
Total ...	203	358	378	543	100	100	100	100

#### Homicides and other assaults in which firearms were used

The number of assaults in which firearms were used more than doubled (+115 per cent) during the period 1967 to 1971 but remained a very small proportion of the total number of assaults recorded as known to the police: the latter increased by 65 per cent in the same period.

**Table 9**

**Homicides and other assaults recorded as known to the police:  
number and proportion in which firearms were used  
1967-71**

	Homicides and other assaults Total	Homicides and other assaults in which firearms were used	(2) as a proportion of (1)
	(1)	(2)	(3)
1967 ...	27,934	499	1.8%
1968 ...	30,952	486	1.6%
1969 ...	36,818	768	2.1%
1970 ...	40,120	820	2.0%
1971 ...	46,153	1,074	2.3%

Most, if not all, of the increase in assaults in which firearms were used was accounted for by assaults with air weapons (Table 10). Since such weapons rarely cause serious injury there has been a decrease in the proportion of serious injuries resulting from the use of firearms in assaults.

**Table 10**  
**Homicides and other assaults in which firearms were used :**  
**type of weapon**  
**1967-71**

Number of offences											
	Pistol	Air weapon	Long- barrelled shot gun	Sawn- off shot gun	Rifle	Starting gun	Imita- tion	Sup- posed	Machine gun	Other firearm	Total
1967	43	290	125	←—————41————→							499
1968	44	298	105	←—————39————→							486
1969	49	524	126	18	31	9	5	1	1	4	768
1970	43	608	108	10	28	5	12	1	1	4	820
1971	59	807	148	12	24	6	16	—	1	1	1,074

In 20 per cent of the homicides for which motives have been assessed (see Table 11), the killing occurred in the course or furtherance of an offence other than homicide or while escaping or resisting arrest. Most of the remaining homicides were, apparently, motivated by jealousy or revenge, or were committed during quarrels or periods of family stress.

**Table 11**

**Homicides<sup>(1)</sup> in which firearms were used and caused fatal injury**  
**1967-71**

	Motive <sup>(2)</sup>						Apparently motiveless, or motive not known	Homicide in which suspect committed suicide	Homicide in which suspect found insane	Homicide in which suspect found guilty of s. 2 manslaughter	Total <sup>(1)</sup>
	Quarrel or family stress	Jealousy or revenge	Sexual	Theft or robbery	Escaping or resisting arrest	Other					
1967 ...	7	5	—	1	1	1	2	21	—	2	40
1968 ...	11	7	—	2	—	3	1	16	—	1	41
1969 ...	5	5	—	3	—	1	1	4	—	4	23
1970 ...	4	5	—	4	—	—	1	10	—	2	26
1971 ...	4	3	—	3	2	3	—	16	—	5	36

<sup>(1)</sup> Offences, initially recorded as murder, where the courts determined that the suspect had acted in self-defence or there had been an accident have been excluded from this table.

<sup>(2)</sup> Motives were not assessed for offences of murder where the suspect committed suicide or was found insane, nor for offences where the suspect was found guilty of manslaughter on the grounds of diminished responsibility.



### Robberies in which firearms were used

There are some incidents which contain the ingredients of more than one offence. For example, an armed raid in which someone is killed may constitute both a robbery and a murder. It would, however, be recorded as one offence known to the police, namely a murder. Similarly, some offences may be classified as manslaughter or assaults although they also contain the ingredients of robbery. In 1971, 2 offences recorded as murder and 3 recorded as assault were committed during robberies.

Table 12 shows the number of robberies in which firearms were used as a proportion of all robberies: this proportion was almost constant from 1968 to 1971.

**Table 12**

**Robberies recorded as known to the police :  
number and proportion in which firearms were used  
1967-71**

	Robberies Total (1)	Robberies in which firearms were used (2)	(2) as a proportion of (1) (3)
1967 ... ..	4,564	265	5·8%
1968 ... ..	4,815	372	7·7%
1969 ... ..	6,041	463	7·7%
1970 ... ..	6,273	475	7·6%
1971 ... ..	7,465	572	7·7%

Table 13 gives the distribution of robberies in which firearms were used by the degree of injury inflicted. As explained above, offences in which fatal injuries occur are not recorded as robberies. In most of the robberies recorded in Table 13 the firearm was used only as a threat: this is reflected in the high proportion of offences in which no injury was caused.

**Table 13**

**Robberies in which firearms were used : injuries**  
**1967-71**

Number of robberies

			Degree of injury			Total
			Serious	Slight	No injury	
1967	...	...	8	20	237	265
1968	...	...	5	15	352	372
1969	...	...	13	33	417	463
1970	...	...	8	15	452	475
1971	...	...	4	10	558	572

Table 14 shows that the distribution by type of location of robberies involving the use of firearms varied considerably from year to year.

In 1968 the proportion of robberies at residential premises and shops and stalls fell, while that at banks and post offices increased; this was reversed the following year when the proportions returned to roughly their 1967 levels. The situation changed once more in 1971, with a move back towards banks and post offices again.

**Table 14**

**Robberies in which firearms were used : location of offence  
1967-71**

Number of robberies										
	Post Office	Bank	Resi- dential	Shop, stall, etc.	Office, factory, store	Public highway	Garage, service station	Place of public enter- tainment	Other premises or open space	Total
1967	20	9	29	65	26	44	32	←40→		265
1968	51	37	20	69	47	85	40	←23→		372
1969	45	21	53	106	78	85	42	14	19	463
1970	26	33	59	150	46	93	38	14	16	475
1971	58	71	42	145	65	97	60	15	19	572

Of the weapons used in robberies, an increasing proportion were shot guns, especially sawn-off shot guns (see Table 15). While robberies in which firearms were used more than doubled in the period 1967 to 1971, use of shot guns in robberies more than trebled. The increase in the use of imitation weapons or starting guns in robberies was small.

**Table 15**

**Robberies in which firearms were used : type of weapon  
1967-71**

Number of robberies											
	Pistol	Air weapon	Long- barrelled shot gun	Sawn- off shot gun	Rifle	Starting gun	Imita- tion	Sup- posed	Machine gun	Other firearm	Total
1967	125	18	53	←69→							265
1968	135	26	96	←115→							372
1969	168	34	94	46	6	11	41	60	1	2	463
1970	163	39	88	72	5	7	49	50	—	2	475
1971	203	37	133	74	9	7	56	53	—	—	572

### Other offences in which firearms were used

Over 94 per cent of the offences recorded as known to the police in which firearms were used were assaults (including homicides) or robberies. The remainder were largely offences of burglary, theft or malicious damage. There were also about 30 sexual assaults during the period 1967 to 1971 in which firearms were used to threaten: these form a very small proportion of all sexual assaults.

Table 16 shows the types of firearms used in offences other than assaults and robberies. The types of firearm used in burglaries and thefts were mainly air weapons (often used as a means of effecting entry), shot guns and imitation weapons. About three-quarters of the offences of malicious damage involved air weapons, shot guns accounting for most of the remainder.

**Table 16**

**Offences other than assaults and robberies in which firearms were used :  
type of weapon  
1967-71**

Number of offences											
	Pistol	Air weapon	Long- barrelled shot gun	Sawn- off shot gun	Rifle	Starting gun	Imita- tion	Sup- posed	Machine gun	Other firearm	Total
1967	6	10	6	←—————6————→							28
1968	3	8	2	←—————7————→							20
1969	16	33	16	1	1	2	4	3	—	1	77
1970	7	24	9	5	5	3	8	—	3	—	64
1971	5	44	15	2	4	2	14	2	—	1	89

### OFFENCES IN WHICH FIREARMS WERE CARRIED BUT NOT USED

About 60 per cent of the offences in which firearms were carried were assaults: the figures are given in Table 17. The proportion is roughly the same as that in the group of offences in which firearms were used, figures for which were given in Table 2. However, whereas robberies far outnumbered burglaries in the "used" group, there were about 1½ times as many burglaries as robberies in the "carried" group.

**Table 17**

**Offences in which firearms were carried but not used :  
type of offence  
1967-71**

Number of offences							
	Homicide	Assaults other than homicide	Burglary	Robbery	Malicious damage	Other	All offences
1967 ...	1	57	2	10	—	1	71
1968 ...	—	63	4	14	—	2	83
1969 ...	1	53	28	20	—	7	109
1970 ...	—	50	29	18	—	7	104
1971 ...	—	74	28	19	—	6	127

The distribution of weapon type in the "carried" offences (figures in Table 18) is broadly similar to that in the "used" offences (see Table 3), but the proportion of imitation weapons is higher and the proportion of pistols lower. These differing proportions in type of weapon are possibly a result of the differing proportions of burglaries and robberies remarked on above.

**Table 18**

**Offences in which firearms were carried but not used :  
type of weapon carried  
1967-71**

Number of offences										
	Pistol	Air weapon	Long- barrelled shot gun	Sawn- off shot gun	Rifle	Machine gun	Other fire- arm	Start- ing gun	Imita- tion	Total
1967	10	13	20	←7→				←21→		71
1968	19	16	9	←13→				←26→		83
1969	29	24	15	12	1	1	—	8	19	109
1970	13	26	15	15	2	2	2	10	19	104
1971	15	34	26	13	2	—	—	15	22	127

## OFFENCES IN WHICH FIREARMS WERE DISHONESTLY ACQUIRED BUT NOT USED OR CARRIED

Table 19 shows the types of offence in which firearms were dishonestly acquired. Most of the offences in this group were burglaries or thefts in which a firearm was stolen. Frauds and forgeries involving firearms increased from 21 in 1969 to 54 in 1971 but still formed a very small proportion of the total (about 2½ per cent). Most of the remaining offences were those recorded as "handling stolen goods".

**Table 19**

**Offences in which firearms were dishonestly acquired :  
type of offence  
1967-71**

Number of offences					
	Breaking and entering	Larceny	Receiving	Other	All offences
1967 ...	643	755	50	28	1,476
1968 ...	699	760	63	20	1,542

  

	Burglary	Theft	Handling stolen goods	Other	All offences
1969 ...	1,091	666	100	24	1,881
1970 ...	1,145	730	110	38	2,023
1971 ...	1,306	734	122	62	2,224

Of the types of weapon stolen in offences of burglary or theft, shot guns accounted for a fairly constant 32 per cent throughout 1969-71 (see Table 20). The proportion of offences in which air weapons were taken increased from about 37 per cent in 1969 to 45 per cent in 1971. The number of offences in which shot guns and air weapons were stolen went up by 84 and 260 respectively in this period, whereas the number of offences in which other weapons were stolen fell by 61. These other weapons taken were mainly rifles and pistols, although a substantial number of starting guns were stolen. Well over half the starting guns were taken from schools. Indeed in almost 70 per cent of thefts and burglaries in which firearms were stolen from schools, a starting gun was taken—air weapons were taken in 11 per cent and rifles in 8 per cent of the offences. The “other firearms” shown in Table 20 were mostly antique weapons.

Table 20

**Burglaries and thefts in which firearms were dishonestly acquired :  
types of weapon stolen  
1969-71**

Number of offences										
	Pistol	Air weapon	Long- barrelled shot gun	Sawn- off shot gun	Rifle	Starting gun	Imita- tion	Machine gun	Other firearm	Total
1969	168	656	558	13	184	108	6	2	62	1,757
1970	130	804	592	13	169	103	4	8	52	1,875
1971	131	916	640	15	154	118	16	4	46	2,040

Table 21 shows that in over half the offences, the firearms were taken from residential premises or shops and stalls. It is not known how many of the shops and stalls were occupied by registered firearms dealers. The number of offences in which weapons were taken from rifle clubs or military establishments fell slightly between 1969 and 1971.

Table 21

**Burglaries and thefts in which firearms were dishonestly acquired: location of offence  
1969-71**

Y	Resi- dential	Place of public enter- tainment	Number of offences													
			Post Office/ Bank	Shop/ Stall	School/ College	Garage/ Service station	Office/ Factory/ Store	Farm build- ing	Military estab- lish- ment	Rifle club	Build- ing site	Other premises	Public high- way	Other open space	Not known	Total
1969	650	59	3	293	97	49	129	88	40	20	11	135	112	57	14	1,757
1970	711	46	—	337	84	52	155	102	32	21	9	133	110	63	20	1,875
1971	825	55	1	334	99	56	190	97	20	17	8	130	121	74	13	2,040

# OFFENCES UNDER THE FIREARMS ACT 1968

The Firearms Act 1968 specified over 80 different offences relating to the possession, supply and certification of firearms. Not many of these offences are indictable (and thus recorded as known to the police, and included in Tables 1-21). Details relating to those offences under the Firearms Act which are not indictable are kept only when persons are proceeded against, or cautioned by the police as an alternative to prosecution, for such offences. Thus the only statistics available which relate to the Firearms Act as a whole are of persons proceeded against or cautioned.

Figures for 1969 to 1971 of the number of persons found guilty and the number of persons cautioned are summarised in Table 22.

The number of persons found guilty of offences under the Firearms Act rose from 4,392 in 1969 to 5,927 in 1971, an increase of 35 per cent. The number of persons cautioned rose during the same period from 3,948 to 7,943, an increase of 101 per cent.

By far the largest increase was in persons dealt with for offences under section 2(1) of the Act—possession of a shot gun without a certificate: the number of persons found guilty went up from 669 in 1969 to 1,429 in 1971 and the number cautioned went up from 880 to 4,007 during the same period.

The ways in which courts dealt with persons found guilty of offences under the Firearms Act 1968 are shown in Table 23. The vast majority of these offenders are dealt with at magistrates' courts and are fined. The level of fines has not changed much since 1969—about two-thirds of the persons fined are fined under £5.

Table 22

Offences under the Firearms Act 1968; persons found guilty and cautioned  
1969-71

Offence (see page 69)	Persons found guilty at Higher Courts			Persons found guilty at Magistrates' Courts	
	1969	1970	1971	1969	1970
Compounded possession					
ss. 4 (1), 4 (3), 5 (1) ...	5	9	12	27	42
s. 16 ...	19	30	18	1	2
s. 17 (1) ...	12	17	12	—	5
s. 17 (2) ...	10	10	21	4	2
s. 18 (1) ...	25	12	26	1	—
s. 19 ...	11	7	13	746	822
s. 20 ...	1	1	—	1,049	1,126
Sub-total ...	83	86	102	1,828	1,999
Other possession					
s. 1 (1) ...	14	17	26	441	543
s. 2 (1) ...	3	7	6	666	953
s. 21 (4) ...	11	13	9	100	111
ss. 22, 23 (1) ...	1	—	—	798	738
s. 47 (2) ...	—	—	—	1	—
Sub-total ...	29	37	41	2,006	2,345
Supplying, etc.					
ss. 3 (1), 3 (2), 3 (3), 21 (5) ...	—	2	—	97	113
s. 24 ...	—	—	—	204	192
s. 25 ...	—	—	—	—	—
Sub-total ...	—	2	—	301	305
Certificate offences, etc.					
ss. 38 (8), 39, 40 (5) ...	—	—	—	10	2
ss. 1 (2), 2 (2), etc. ...	—	1	1	55	59
ss. 3 (5), 7 (2), etc. ...	—	—	—	78	122
ss. 30 (4), 52 (2) (c) ...	—	—	—	2	3
Sub-total ...	—	1	1	145	186
Total ...	112	126	144	4,280	4,835

Table 23

**Offences under the Firearms Act 1968; persons found guilty classified by sentence type**  
**1969**

persons cautioned

by years	Number of persons		
	Persons cautioned as an alternative to prosecution		
1971	1969	1970	1971
39	7	3	3
9	—	3	4
3	—	—	—
8	—	—	2
—	—	—	—
975	211	216	244
1,349	191	209	313
<b>2,383</b>	<b>409</b>	<b>431</b>	<b>596</b>
632	647	807	1,023
1,422	880	2,648	4,007
173	6	11	11
673	709	768	993
—	1	—	1
<b>2,900</b>	<b>2,243</b>	<b>4,234</b>	<b>6,035</b>
101	151	155	144
182	226	211	280
1	—	—	—
<b>284</b>	<b>377</b>	<b>366</b>	<b>424</b>
4	15	15	10
51	660	632	567
161	244	311	308
—	—	—	3
<b>216</b>	<b>919</b>	<b>958</b>	<b>888</b>
<b>5,783</b>	<b>3,948</b>	<b>5,989</b>	<b>7,943</b>

Offence (see page 69)	Persons found guilty at Higher Courts							Persons found guilty at Magistrates' Courts						
	Total found guilty	Immediate imprison- ment	Fine				Other	Total found guilty	Immediate imprison- ment	Fine				Other
			Total	£5 and under	Over £5 up to £10	Over £10				Total	£5 and under	Over £5 up to £10	Over £10	
Compounded possession														
ss. 4 (1), 4 (3), 5 (1) ...	5	3	—	—	—	—	2	27	2	13	3	2	8	12
s. 16 ...	19	7	1	—	—	1	11	1	—	—	—	—	—	1
s. 17 (1) ...	12	9	1	—	—	1	2	—	—	—	—	—	—	—
s. 17 (2) ...	10	3	1	—	—	1	6	4	—	3	3	—	—	1
s. 18 (1) ...	25	12	2	—	—	2	11	1	—	—	—	—	—	1
s. 19 ...	11	1	6	—	1	5	4	746	3	614	368	163	83	129
s. 20 ...	1	1	—	—	—	—	—	1,049	4	928	652	204	72	117
Sub-total ...	83	36	11	—	1	10	36	1,828	9	1,558	1,026	369	163	261
Other possession														
s. 1 (1) ...	14	3	5	1	1	3	6	441	4	333	171	88	74	104
s. 2 (1) ...	3	—	3	1	1	1	—	666	1	598	403	122	73	67
s. 21 (4) ...	11	8	—	—	—	—	3	100	13	47	20	14	13	40
ss. 22, 23 (1) ...	1	—	1	—	—	1	—	798	—	563	545	17	1	235
s. 47 (2) ...	—	—	—	—	—	—	—	1	—	1	—	1	—	—
Sub-total ...	29	11	9	2	2	5	9	2,006	18	1,542	1,139	242	161	446
Supplying, etc.														
ss. 3 (1), 3 (2), 3 (3), 21 (5)	—	—	—	—	—	—	—	97	—	82	54	15	13	15
s. 24 ...	—	—	—	—	—	—	—	204	—	169	133	24	12	35
s. 25 ...	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sub-total ...	—	—	—	—	—	—	—	301	—	251	187	39	25	50
Certificate offences, etc.														
ss. 38 (8), 39, 40 (5) ...	—	—	—	—	—	—	—	10	—	8	5	1	2	2
ss. 1 (2), 2 (2), etc. ...	—	—	—	—	—	—	—	55	—	52	33	13	6	3
ss. 3 (5), 7 (2), etc. ...	—	—	—	—	—	—	—	78	—	67	32	16	19	11
ss. 30 (4), 52 (2) (c) ...	—	—	—	—	—	—	—	2	—	2	1	1	—	—
Sub-total ...	—	—	—	—	—	—	—	145	—	129	71	31	27	16
Total ...	112	47	20	2	3	15	45	4,280	27	3,480	2,423	681	376	773

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Table 23 (continued)

Offences under the Firearms Act 1968; persons found guilty classified by sentence type

1970

Number of persons

Offence (see page 69)	Persons found guilty at Higher Courts							Persons found guilty at Magistrates' Courts						
	Total found guilty	Immediate imprison- ment	Fine				Other	Total found guilty	Immediate imprison- ment	Fine				Other
			Total	£5 and under	Over £5 up to £10	Over £10				Total	£5 and under	Over £5 up to £10	Over £10	
Compounded possession														
ss. 4 (1), 4 (3), 5 (1)	9	6	2	—	—	2	1	42	—	27	2	6	19	15
s. 16	30	15	—	—	—	—	15	2	—	1	1	—	—	1
s. 17 (1)	17	10	4	—	1	3	3	5	—	—	—	—	—	5
s. 17 (2)	10	4	2	—	1	1	4	2	—	1	—	—	1	1
s. 18 (1)	12	7	—	—	—	—	5	—	—	—	—	—	—	—
s. 19	7	1	2	—	1	1	4	822	5	667	394	162	111	150
s. 20	1	1	—	—	—	—	—	1,126	4	1,038	647	287	104	84
Sub-total	86	44	10	—	3	7	32	1,999	9	1,734	1,044	455	235	256
Other possession														
s. 1 (1)	17	9	7	1	2	4	1	543	8	414	182	115	117	121
s. 2 (1)	7	2	1	—	—	1	4	953	6	845	558	166	121	102
s. 21 (4)	13	3	4	—	1	3	6	111	6	51	26	14	11	54
ss. 22, 23 (1)	—	—	—	—	—	—	—	738	—	465	437	24	4	273
s. 47 (2)	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sub-total	37	14	12	1	3	8	11	2,345	20	1,775	1,203	319	253	550
Supplying, etc.														
ss. 3 (1), 3 (2), 3 (3), 21 (5)	2	—	2	2	—	—	—	113	—	100	58	29	13	13
s. 24	—	—	—	—	—	—	—	192	—	157	120	22	15	35
s. 25	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sub-total	2	—	2	2	—	—	—	305	—	257	178	51	28	48
Certificate offences, etc.														
ss. 38 (8), 39, 40 (5)	—	—	—	—	—	—	—	2	—	2	—	1	1	—
ss. 1 (2), 2 (2), etc.	1	—	—	—	—	—	1	59	—	51	16	20	15	8
ss. 3 (5), 7 (2), etc.	—	—	—	—	—	—	—	122	1	112	54	38	20	9
ss. 30 (4), 52 (2) (c)	—	—	—	—	—	—	—	3	—	1	1	—	—	2
Sub-total	1	—	—	—	—	—	1	186	1	166	71	59	36	19
Total	126	58	24	3	6	15	44	4,835	30	3,932	2,496	884	552	873

Offence (see page 69)	Persons found guilty at Magistrates' Courts	
	Total found guilty	Immediate imprison- ment
Compounded possession		
ss. 4 (1), 4 (3), 5 (1)	12	8
s. 16	18	7
s. 17 (1)	12	7
s. 17 (2)	21	11
s. 18 (1)	26	10
s. 19	13	4
s. 20	—	—
Sub-total	102	47
Other possession		
s. 1 (1)	26	8
s. 2 (1)	6	1
s. 21 (4)	9	4
ss. 22, 23 (1)	—	—
s. 47 (2)	—	—
Sub-total	41	13
Supplying, etc.		
ss. 3 (1), 3 (2), 3 (3), 21 (5)	—	—
s. 24	—	—
s. 25	—	—
Sub-total (iii)	—	—
Certificate offences, etc.		
ss. 38 (8), 39, 40 (5)	—	—
ss. 1 (2), 2 (2), etc.	1	—
ss. 3 (5), 7 (2), etc.	—	—
ss. 30 (4), 52 (2) (c)	—	—
Sub-total	1	—
Total	144	60



ype

1971

Number of persons

Persons found guilty at Higher Courts						Persons found guilty at Magistrates' Courts						
Age	Fine				Other	Total found guilty	Immediate imprisonment	Fine				Other
	Total	£5 and under	Over £5 up to £10	Over £10				Total	£5 and under	Over £5 up to £10	Over £10	
2	—	—	2	2	39	2	25	8	6	11	12	
1	—	—	1	10	9	—	5	4	1	—	4	
1	—	—	1	4	3	—	—	—	—	—	3	
3	—	—	3	7	8	—	3	2	1	—	5	
3	—	—	3	13	—	—	—	—	—	—	—	
3	—	—	3	6	975	3	821	497	187	137	151	
—	—	—	—	—	1,349	1	1,204	689	344	171	144	
13	—	—	13	42	2,383	6	2,058	1,200	539	319	319	
9	2	—	7	9	632	6	490	246	113	131	136	
3	1	—	2	2	1,422	6	1,268	862	242	164	148	
2	—	—	2	3	173	11	88	21	25	42	74	
—	—	—	—	—	673	—	438	405	28	5	235	
—	—	—	—	—	—	—	—	—	—	—	—	
14	3	—	11	14	2,900	23	2,284	1,534	408	342	593	
—	—	—	—	—	101	—	86	44	23	19	15	
—	—	—	—	—	182	—	161	128	15	18	21	
—	—	—	—	—	1	—	1	1	—	—	—	
—	—	—	—	—	284	—	248	173	38	37	36	
—	—	—	—	—	4	—	4	—	1	3	—	
1	—	—	1	—	51	—	46	20	16	10	5	
—	—	—	—	—	161	1	143	59	45	39	17	
—	—	—	—	—	—	—	—	—	—	—	—	
1	—	—	1	—	216	1	193	79	62	52	22	
28	3	—	25	56	5,783	30	4,783	2,986	1,047	750	970	

For convenience of presentation in these tables, offences under the Firearms Act 1968 are grouped as follows:

COMPOUNDED POSSESSION.	(The more serious offences relating to the possession of firearms)
ss. 4 (1), 4 (3), 5 (1)	Shortening shot gun, conversion of firearm, possession of prohibited weapon
s. 16	Possession with intent to endanger life or injure property etc
s. 17 (1)	Using firearm with intent to resist arrest
s. 17 (2)	Possession at time of committing or being arrested for specified offence
s. 18 (1)	Possession with intent to commit an indictable offence or to resist arrest etc
s. 19	Carrying loaded weapon in public place
s. 20	Trespassing with weapon

#### OTHER POSSESSION.

s. 1 (1)	Possession of firearm or ammunition without certificate
s. 2 (1)	Possession of shot gun without certificate
s. 21 (4)	Possession of weapon by person previously convicted of crime
ss. 22, 23 (1)	Possession by person under age; inadequate supervision
s. 47 (2)	Failure to hand weapon or ammunition to constable on demand

#### SUPPLYING ETC.

ss. 3 (1), 3 (2), 3 (3), 21 (5)	Unregistered person trading; selling to person without certificate; repairing for person without certificate
s. 24	Supplying to person under age
s. 25	Supplying to person drunk or insane

#### CERTIFICATE OFFENCES ETC.

ss. 38 (8), 39, 40 (5)	Certificate offences by dealers
ss. 1 (2), 2 (2), 5 (5), 5 (6), 6 (3)	Non-compliance with conditions of certificate or conditions of Secretary of State's authority
ss. 3 (5), 7 (2), 9 (3), 13 (2), 26 (5), 29 (3), 42, 48 (3), 49 (3)	Falsifying certificate, making false statements, failing to produce certificate or to supply name and address
ss. 30 (4), 52 (2) (c)	Failure to surrender certificate on revocation or cancellation

**END**

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