

From: Derek Bernard [DB@TSLjersey.com]
Sent: 31 August 2004 23:34
Subject: Derek Bernard's Firearms Law List

Hello!

Below is my submission to the UK Home Office Firearms Controls Consultation Exercise. Today is the closing date for submissions.

Will it be the charade that the past performance of the Home Office – and the tone and content of the Consultation Paper – would reasonably lead us to expect? Almost certainly but, since we are on the side of the angels, we have to try our best and we have to hope that, eventually, the rule of reason will prevail.

Fingers crossed

Derek Bernard

-----Original Message-----

From: Derek Bernard
Sent: 31 August 2004 18:30
To: Home Office (Police & Crime)
Subject: Firearms Controls Consultation

Mr Bruce Bebbington Firearms Controls Consultation Office

Dear Sir

Firearms Law Consultation

I write as a student of the costs and effects of firearm laws on a world-wide basis since 1979.

I have read the Consultation document with great dismay. For what purports to be a serious document, it is extraordinarily short on anything that remotely qualifies as research and meaningful analysis; and very long on allegations and assertions without any evidence.

I have been a serious pistol target shooter for many decades, while resident in both the UK and Jersey. I have represented Jersey, also since 1979, in target pistol shooting competitions in many different countries, including the UK. Indeed, until the 1997/8 legislation came into effect, I used to visit the UK for shooting competitions several times a year.

When I started my research into the costs and effects of firearm laws in '79, I was interested in attempting to establish which of the many control mechanisms usually contained in these generally long and complex laws, actually produced the social and crime-control benefits virtually always claimed as the *raison d'être* for each such law at the time of its introduction. For example, was it the police certification of the individual owner; or the frequent renewal of that certification; or the registration of the individual firearm; or the security requirements; or the restrictions on storage, transport and usage; or the ban on certain types of firearm, etc.

After 3 years of study of published research material and a great deal of discussion, as well as writing to police, governmental and other authorities in several different countries, in 1982 I was forced to accept that none of the jurisdictions considered (which included the UK), could demonstrate any

measurable social benefits, or crime reduction, of any kind arising from the introduction of either new, or stricter firearm laws. This was true whether one considered specific control mechanisms, like individual firearm registration, or the effects of the law as a whole.

Since then I have continued my work in this field for a further 22 years, which has had the effect of greatly reinforcing the conclusions stated above.

That does not mean that the laws are without effect. They tend to have a number of significant effects, all of them socially perverse:

- 1 They generally have the effect of increasing violent crime, of precisely the type that they were introduced to reduce, sometimes quite dramatically. Simultaneously they rapidly depress lawful shooting activities. Each major tightening of the UK firearm laws over the last 30+ years, e.g. in 1968, 1988 and 1997/8, has had this dual effect to a very marked degree. Briefly, the '68 Act had the effect by 1971 of reducing the number of FACs in England & Wales from 216,281 to 190,000, a reduction of over 12%; and of increasing Robberies with Firearms from 464 to 560, an increase of 20%, much higher than the previous trend. The 1988 Act greatly increased the "controls" on shotguns, with the immediate effect of changing the previous, long-standing gentle growth in lawful Shotgun Certificates of +2.6% p.a., into a savage decline of over a 1,000 a week, every week for the next 4 years, a reduction of well over 20%. Over the same 4 years, the previously relatively stable rate of Robberies with Shotguns, amounting to 692 in 1988, grew rapidly to 1,008 in 1992, an increase of over 40%. The 1997/8 Acts totally destroyed virtually all cartridge target pistol shooting in mainland UK, an effective and immediate reduction of 100%; while the volume of pistol crime since the ban appears to have increased very substantially indeed, i.e. by between 40 and over 100%, depending on the source of the data.
- 2 Exactly the same phenomenon has occurred in the Republic of Ireland. Until the 1972 "Temporary Custody Order", which led to all legally-owned pistols and centre fire rifles being taken immediately into police custody, the Republic had had a consistently low homicide rate of approximately 0.5/100,000 p.a. for many years. This immediately doubled and stayed at the new higher level of 1/100,000 for over 20 years. Despite the elimination of all legal pistols and centre fire rifles, approximately 19% of all their murders over that whole 20 year period were by shooting; a proportion rather more than double the equivalent UK proportion over the same period (i.e. prior to the introduction of the UK pistol ban). Of course the Custody Order also had the immediate effect of totally destroying all forms of lawful shooting with any type of pistol or centre fire rifle.
- 3 They consume police resources without any measurable benefit, no matter the length of period studied. It is well appreciated that much police work is precautionary, but most bodies charged with considering police efficiency and cost-effectiveness seem to take the view that resource consumption should be associated with measurable, beneficial results. As a specific example, the registration of all individual firearms appears to consume a high proportion of the total time involved in the administration of the present UK firearms law. Yet every study known to me on the value of registration systems (e.g. New York; USA generally; New Zealand; and the Australian States of Victoria and South Australia) have clearly demonstrated that the procedure is appallingly non cost-effective; indeed, despite the very large numbers of gun crimes over the period, it is extremely difficult to find any instances in which it has been a benefit. For a system that has been in widespread use for over 80 years, such a poor record deserves to be taken very seriously. As a generality, it is reasonable to suggest that, had those police resources been applied to a wide range of other uses with better records of effectiveness, material social benefits could well have been obtained. This is a substantial lost opportunity cost.

- 4 They cause, at best, considerable inconvenience and cost to law-abiding citizens and businesses wishing to pursue, supply, or service, sport shooting, collect firearms, or study firearm technology or history. More likely they effectively deny them the right to do some or all of these things. At worst, they ensnare individuals who have committed no anti-social act whatsoever, in the criminal justice system, sometimes with extremely serious consequences for the individual concerned, for minor technical infringements.
- 5 They greatly reduce the chance of an individual citizen mounting an effective self-defence against criminal violence, or the threat of violence. This severely undermines a fundamental Human Right. The grossly excessive and growing weight given to the concept of “reasonable force”, as though the lawful defender should be treated in the same manner as a criminal invader or attacker, also badly needs to be substantially amended by statute. The evidence is very persuasive that reversing both these factors by appropriate statute law would very rapidly take the UK from its unenviable position as a world leader in burglary rates (and several other serious crime measures), to a much more attractive position much closer to the bottom of the list. And these highly desirable results would all be achieved without any further expenditure on police, courts, or prisons.
- 6 They prevent the general population from acquiring basic training in the safe handling of firearms. This widespread ignorance not only generates fear of the unknown, but ensures that those entering the Armed Services require, at taxpayers’ expense, a great deal of training to become even moderately competent. Deep and widespread ignorance also makes accidents more likely when firearms are come across by chance. What relatively little work has been done on the effects on children of familiarity with firearms, suggest considerable benefits for society, with no downside effects, if this is allowed to take place in an open and lawful way. (Ref. “*Urban Delinquency & Substance Abuse*” US Dept. of Justice 1993, “*We Don’t Play With Guns Here*” by child psychologist Penny Holland).
- 7 They make a broad and effective resistance to invasion, or to tyranny, much more difficult. In 1940, when the UK faced a very real threat of invasion, the government of the day discovered that the introduction of the seminal 1920 Firearms Act had had the effect of destroying most of our gun manufacturing industry, while disarming the bulk of the population. In consequence numerous advertisements were placed in American journals, appealing for guns to be donated to “defend an English home”.
- 8 They encourage a widespread “witchcraft” attitude towards inanimate objects, by strongly promoting a perception that guns are evil.

The UK’s firearm laws are certainly ripe for overhaul. But the existing proposals will make a thoroughly bad situation even worse. I would suggest that a fresh approach based on the following principles would substantially reverse the perverse social effects outlined above:

- All adult UK residents should be entitled to a Firearms Certificate for life if they have not been convicted of a serious crime of violence for, say, 5 years. The Certificate could only be withdrawn on conviction for such an offence; or on permanent departure from the UK. The issuing authority, preferably entirely independent of the police and coming under the umbrella of a Ministry responsible for sport administration, would have no discretion to deny the Certificate when the clear and unambiguous tests of residency and clear criminal record were met. The Certificate would entitle the holder to acquire, hold, transport and use any number of any type of firearm and ammunition, including the ingredients for loading ammunition. Such a procedure would probably reduce the cost of Firearm administration by about 90%.

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- Any Certificate-holder would be legally authorised to supervise any non-Certificate holder.
- A visitor's FAC (or equivalent) would be treated in a similar manner to a Driving Licence, i.e. it would automatically be accepted for periods of up to, say, 3 months.

Yours truly,

Derek Bernard.