

## REPORT OF COMMITTEE ON THE CONTROL OF FIREARMS

To the Right Honourable CHRISTOPHER ADDISON, M.P., H.M. Minister of Reconstruction

Sir,

In pursuance of your instructions contained in the letter dated the 27th of February, 1918, addressed to the Under Secretary of State for the Home Department, we have considered the question of the control which it is desirable to exercise over the possession, manufacture, sale, import and export of firearms and ammunition in the United Kingdom after the war, both from the point of internal policy and having regard to the Report of the Sub-Committee on Arms Traffic of the Committee of Imperial Defence; and we have the honour to report as follows:-

1. It will be convenient to consider in the first place the question of internal policy, and in that connection to set out briefly (1) the present state of the law with regard to the possession and use of firearms, and (2) certain facts which before the war showed the necessity that the law should be strengthened.

(1) As to the Law. - In Great Britain prior to the Pistols Act of 1903 any person could purchase or keep in his possession a gun, pistol or other firearm or any number of such weapons without any restriction. The Gun License Act of 1870 only makes it necessary for him to obtain an Excise License before he can legally use or carry a gun outside the curtilage of his dwelling-house, but a license can be obtained by the simple formality of buying one at a Post Office for the sum of 10s. The Pistols Act of 1903 puts certain difficulties in the way of purchasing a pistol, i.e. a firearm with a barrel not exceeding nine inches in length, but even under that Act a person over 18 years of age has only to obtain a gun license from a Post Office, and on producing it to a dealer he can purchase a pistol or any number of pistols. If in succeeding years he wishes to use or carry a pistol, he must, of course, comply with the Act of 1870, and take out a gun license under that Act, but otherwise neither the Act of 1870 nor the Act of 1903 places any restriction upon the mere possession of guns, rifles, pistols or other firearms, or of any quantity of ammunition for them. Experience has shown that the Pistols Act is ineffective even for its limited purpose, as it is constantly evaded by making and selling pistols with barrels just over nine inches in length.

The Pistols Act does not apply to Ireland, and consequently a person there can purchase and keep in his possession any number of pistols of any size or description without even going through the formality of buying a gun-license.

Defence of the Realm Regulations Nos. 30, 30A and 31 impose stringent restrictions upon the manufacture and sale of firearms and ammunition, and Regulations 9AA and 33 place restrictions upon the possession of firearms in certain circumstances and certain localities; but when these Regulations are abrogated the position will be the same as before the war, and, failing new legislation, there will be practically no control over the possession of firearms in the United Kingdom.

(2) Grounds for strengthening the Law. - That the control of firearms should be made far more stringent than it is now is a proposition which hardly anyone could be found to question. Attention had been called to the matter in Parliament before the war, and on the 13th of March 1913, a Return was made to the House of Commons of the cases in which firearms had been used against Police Officers in England and Wales in the five years 1908-1912. The Return (Paper 188 of 1913) showed that in these five years 47 cases had occurred, in which 92 Police Officers had been shot at, 6 had been killed and 24 had been injured. In 34 of the 47 cases the weapon used was known to be a revolver or some other kind of pistol. Of the 47 cases 15 occurred in the Metropolitan Police District.

In October, 1912, the Commissioner of Police of the Metropolis informed the Home Secretary that in the dock strike of that year seven cases had occurred in which men concerned in the strike came into the hands of the Police for using firearms and five others for carrying them though not actually using them;

and that ten other cases of the carrying of firearms were known to the Police, although in these no offender had been actually apprehended or summoned. The Commissioner of Police has also furnished us with other figures to show the extent to which firearms were used for criminal purposes, or if not actually used, were at any rate in the possession of persons who came into the hands of police, in the three years 1911-1913 and 1915-1917 respectively. It appears that in the three years 1911-1913, firearms were used in the Metropolitan Police District by 100 persons of British nationality and by 23 aliens; while firearms were found in the possession of British subjects in 76 cases and of aliens in 27 cases. The corresponding figures in the three years 1915-1917 were 42 and 5 as regards the use of firearms by British subjects and aliens, respectively, and 44 and 10 as regards the possession of them. The decline in the latter period as compared with the three years before the war is no doubt due to the restrictions on the purchase of firearms imposed by the Regulations under the Defence of the Realm Act, and the measures taken for the internment of alien enemies during the war; but if firearms can be brought into the country or obtained here with the same ease when peace is concluded as the law at present allows, the numbers may be expected to rise to or above their former level.

The returns also show that in nearly half of the cases in which firearms were used, sometimes with fatal effect, in the Metropolitan Police District in the years 1910-17, they appear to have been used without any particular premeditation in the course of ordinary quarrels - in some cases in street-fights - when, but for the offender's possession of a lethal weapon, probably no serious harm would have been done or attempted. In many of these cases the Courts appear to have taken an extremely lenient view of the offence of using firearms; and the question whether it would not be to the interest of public order that more deterrent penalties should be imposed for this offence, even when no serious injury may have been inflicted, and particularly when firearms are used or carried by persons engaged in crime, is one which it seems to us might well be submitted for the consideration of judicial authorities. In any case the Returns show that there is good reason for so altering the law as to make it much more difficult to obtain firearms than it is at present.

There is good reason in Ireland also for an alteration of the law. Under the Peace Preservation (Ireland) Act, 1881, in districts proclaimed by the Lord Lieutenant, the carrying or having arms or ammunition was lawful only on the conditions contained in the Proclamation; any person suspected of contravening them might be arrested without warrant; the Lord Lieutenant could by warrant direct houses, &c., in proclaimed districts to be searched for arms; and the Lord Lieutenant could also make orders prohibiting the sale or importation of arms and ammunition. In 1906, the last year in which the Peace Preservation Act (which had been annually renewed by the Expiring Laws Continuance Act) was in force, the number of cases of firing into dwellings was 39. At the end of that year it was allowed to lapse, and in 1907 the number of these offences rose to 87, and in the following year to 123. The offences did not continue at that high rate, but we are informed that in the six years 1909-14 they averaged 43 annually, in 1915-17 33, and that in the first seven months of the present year they numbered 32. The number of cases in which a different offence, that of firing at the person, was committed must also be taken into account. These offences have averaged 39 a year in the nine years 1909-17. It should be mentioned that these figures do not include the offences in 1916, the year of the Rebellion, and that during that year there was a very large number of cases, both of firing into dwellings and firing at the person, incidental to the outbreak of which no returns are available.

2. It will be seen, therefore, that prior to the war there was strong reason for amending the law, and this was recognised by the Government in 1911 when the Bill to which we shall presently refer in detail was drafted under the instructions of the Home Secretary. Strong, however, as the case was in 1911, it is immensely stronger now. We have to face the situation that the war will have added enormously to the world's stock of rifles and pistols, that large numbers of pistols, and possibly other weapons, will have come into the possession of private persons, notably discharged soldiers and their relatives, and that the number of men skilled in the use of firearms will have greatly increased. It must also be borne in mind that we can hardly hope to escape on demobilisation an increase in crime. Large numbers of the criminal classes have entered the Army, both voluntarily and under the Military Service Acts; and however effective may be the measures taken to facilitate the return of discharged soldiers to civil life and peaceful occupations, it would be unreasonable to expect that all these men will be ready to settle down at once to agricultural or industrial employment. There would be additional ground for apprehension if men of this

class, and indeed discharged soldiers in general, were permitted to retain any revolvers which have come into their possession during their army service, or to procure them under the easy conditions allowed by the existing law.

3. We may here quote the following observations from the Report of the Sub-Committee on Arms Traffic:-

"2. We start with the assumption that, whatever the military results of the war, its conclusion will leave all the belligerent countries in the possession of vast quantities of arms, ammunition, and war material of every description, for the greater part of which the Governments concerned will presumably have no further use. The world's total stocks of destructive weapons will in fact be infinitely greater than at any previous period in history; and the difficulty in preventing these weapons from reaching undesirable hands will be proportionately increased. Every belligerent government will be faced with the temptation to recoup itself in some small degree for its heavy war expenditure by selling its surplus arms to private dealers; and, in some cases at all events, there will be no counteracting motive of self-interest to serve as a deterrent.

"3. We regard the whole position as one of considerable gravity. There are two distinct categories of person from whom danger is to be apprehended, viz., (1) the savage or semi-civilised tribesmen in outlying parts of the British Empire, whose main demand is for rifles and ammunition, and (2) the anarchist or 'intellectual' malcontent of the great cities, whose weapons are the bomb and the automatic pistol. There is some force in the view .... that the latter will in future prove the more dangerous of the two. At any rate, his activities will call for unceasing vigilance, and very special precautions will be necessary to control the trade in automatic pistols, which, apart from their extreme deadliness, are, by reason of their size and shape, more easily smuggled than any other type of weapon. As regards the tribesman, he already possesses rifles in abundance, and, desirable as it is to prevent him from adding to their number, it is, in our opinion, of still greater importance to check his supplies of ammunition, without which his weapons are useless to him ....

"4. Our conclusion is that the regulation of the arms traffic after the war is a matter of vital importance to the future of the British Empire, and one on which His Majesty's Government would be well advised to frame a definite and considered policy with the least possible delay. We submit below a series of recommendations indicating the lines on which such a policy should, in our opinion proceed ....

Recommendations.

"5. General Agreement between Belligerent Powers.- We consider that the whole question of the future control of the arms traffic should be raised by His Majesty's Government at the Peace Conference as a high moral issue of the utmost consequence to civilisation in general ....

"We recommend that the following undertakings should, if possible, be obtained from all the Powers represented at the Conference, including the British Self-Governing Dominions -

"(i) not to sell or otherwise alienate, in any circumstances whatever, the surplus stocks of arms and ammunition remaining in their possession at the end of the war;

"(ii) to regulate the manufacture and sale of (a) automatic pistols and (b) ammunition of every kind under a system of strict state control; and to prohibit the export of these articles to any destination, except under Government license ...."

4. We entirely agree with these views. There can surely be no question that the public interest demands that direct control shall in future be exercised in the United Kingdom - whatever maybe the policy of other Powers - over the possession, manufacture, sale, and import and export of firearms and ammunition; and the only practical question for consideration appears to be - how this control can be most efficiently established.

5. This question can be conveniently considered under the following heads:-

(1) Military rifles and ammunition.- The disposal of these, which are of course the property of the Government, on demobilisation will be a question for the War Office, the Admiralty and the Air Ministry; and we assume that those Departments will take steps to secure the return to store of all

arms and ammunition belonging to the Government which are actually in the possession of soldiers, sailors, marines or airmen, of whatever rank, on discharge. For the military authorities at headquarters to recover possession of military weapons and ammunition will be a simple matter: a more difficult one will be that of their disposal afterwards. The Sub-Committee on Arms Traffic, as shown above, have recommended that all the Powers represented at the Peace Conference, including the British Self-Governing Dominions, should be urged to undertake "not to sell or otherwise alienate, in any circumstances whatever, their surplus stock of arms and ammunition"; and, agreeing as we do with this recommendation, we hope that it will become the settled policy of the Government of the United Kingdom to retain complete and permanent control of all the arms and ammunition which are in its possession at the conclusion of the war.

(2) Military revolvers, including the automatic pistols used by the Air Force, and ammunition. - These weapons are purchased by officers, either from the Army Ordnance Department or from private firms, and are their private property. We understand that the War Office authorities agree that it would be very desirable to prevent military revolvers from being thrown on to market after the War or otherwise coming into the possession of persons not authorised to have such weapons, and we recommend that the Departments concerned should in due course take steps to this end by purchase or otherwise. Any non-commissioned officers or privates who may have obtained revolvers for themselves should come under the arrangements adopted.

Officers on the active list would of course retain their revolvers, and officers in the Reserve should be at liberty to do so without being required to obtain the fire-arm certificate referred to in Appendix A.

(3) Sporting-guns, that is, smooth-bore shot-guns, and ammunition. - We do not consider it necessary, so far as Great Britain is concerned, to recommend any alteration of the law with regard to these. The cases are rare in which they are used for any criminal or illegal purpose in Great Britain, and there appears to be no sufficient reason to depart from the view taken in 1911, when the Secretary of State decided not to include them within the scope of the proposed legislation. It would be undesirable to interfere with any private industry except on good and sufficient grounds; and there is the more reason against this course in the fact that much of the work on sporting-guns is done by skilled handicraftsmen who would probably find it difficult to obtain other equally remunerative employment, should the introduction of restrictions on the sale or possession of this kind of firearm throw any of them out of work.

(4) Rifles not the property of the Government. - It would be unsafe to exclude any kinds of rifles and rifle ammunition from the operation of the restrictions proposed.

(5) Revolvers and pistols of every kind, and ammunition therefor. - It is this class of weapon that especially needs to be dealt with by stringent regulation. The number of persons who can urge any reasonable ground for possessing a revolver or pistol is extremely small; the danger attending the indiscriminate possession of such weapons is obvious; and the attempt made by the Pistols Act of 1903 to regulate their sale has been ineffective.

6. The Pistols Bill of 1911 was the subject of protracted negotiation between the Home Office and the Gun trade, and ultimately reached a shape when, subject to the settlement of some details, it appeared likely to receive the support of the trade, or at any rate no longer to meet with their opposition; but for lack of Parliamentary time and opportunity, the Bill was not introduced. Since 1911 circumstances have altered, and for the reasons indicated above, a more stringent measure for the control of the possession, etc., of pistols is now needed than might then have met the case. We consider, however, that legislation on the lines of this Bill, but going further, would put the law on a proper footing; and we set out in Appendix A the heads of a Bill to regulate the possession, manufacture and sale of firearms\* [\*It should be understood that throughout this Report the word firearm includes every description of weapon which it is proposed to control, as defined in the definition clause in Appendix A, No. 12, and also the ammunition intended for use with such weapon.] and ammunition in the United Kingdom, with notes showing in what respects it differs from and goes further than the Bill of 1911. It will be seen that the chief points of difference are (1) that whereas under the Bill of 1911 a certificate for the purchase and possession of a firearm would

have been granted by the Police as a matter of course, if the applicant produced a statement from a "reputable householder" that he was a person who could be permitted to have the weapon without danger to the public safety, we propose that the Police of the district in which the applicant resides should be the judges on this point and should have discretion to refuse the certificate, subject to an appeal to a Petty Sessional Court against their decision; (2) that a police constable would have power to demand of any person carrying a firearm the production of his firearm certificate and, on failure or refusal to produce it, would have power to seize the firearm; (3) that manufacturers as well as sellers of firearms would have to be registered, and would be liable to removal from the register on conviction of an offence under the Act; (4) that records of the wholesale as well as the retail sale would have to be kept by the manufacturer and seller; and (5) that under warrant of a Magistrate the Police would have power not only to search the premises of manufacturers and sellers, but also to examine their books.

7. We think it well to record the opinions we have formed upon certain points which we have had to consider in connection with the proposed scheme of control, but which are subsidiary to it, in the sense that they cannot be embodied in the Bill but will be matters of administration, on which policy and practice may vary from time to time according to circumstances and the conditions obtaining in particular localities or countries. These points are:-

(a) The principles by which the Police should be guided in granting or refusing a certificate for the purchase or possession of a pistol, etc (that is to say, a firearm certificate). Under the legislation we recommend a firearm certificate would be granted only to a person who the Police considered might have the weapon without danger to the public safety; but, although this condition may be prescribed in the Act, the question whether it is complied with in the case of the individual applicant may present difficulty in practice, and, unless some guiding principle is laid down, may be determined by different Police authorities in different ways. We recommend therefore that when dealing with applications for firearms certificates the Chief Officer of Police should satisfy himself (1) that the applicant has made out a good prima facie case for requiring a firearm, (2) that he is a person of good character, and (3) that there is no reason to suppose that he intends or desires to use the weapon for an unlawful purpose. Speaking generally, it may be assumed that the ground on which a firearm certificate would be applied for would be that the applicant considered it necessary to have a revolver for the protection of himself and his household against burglars or thieves; and this ground could obviously be urged with much more force by an applicant who lived in a rural or out of the way district than by one who lived in a well-patrolled street in a large town. It would appear from the provisions of the Gun License Act, 1870, and the Pistols Act, 1903, that the Legislature has contemplated that the use of guns, otherwise than for the purpose of killing game, or of pistols should in the main be limited to householders requiring them for the purpose of self-protection, for both Statutes exempt a householder who uses or proposes to use the weapon only in his own house or the curtilage thereof. If the applicant were not a householder, or if his circumstances were such as to make the risk of any attempt at burglary on his premises a negligible one, it would be reasonable that the Police should require the applicant to show special grounds for the need of a revolver before granting the application.

The firearm certificate should, as would have been the case under the Bill of 1911, relate to a single identifiable weapon; but in order to admit of the occasional use of a borrowed rifle for sporting purposes, the Police should be authorised to issue special certificates for this purpose.

(b) The question whether the Police should have discretion to refuse an application for registration as a manufacturer of or dealer in firearms.

For the reasons indicated in Appendix B, we are of the opinion that - subject to the reservation as regards Ireland mentioned in paragraph 8 - it would not be expedient to require the Police to exercise any discretion in this matter. It may be that manufacturers or dealers whose proceedings in the past have been open to suspicion will be placed on the register, but we cannot recommend that the invidious duty should be placed on the Police of excluding them from the trade. Such action must, we think, be left to the Court in the event of any future proved breach of the law.

(c) Records of wholesale manufacture and sale.

The Bill of 1911 provided that every registered pistol dealer who "sold a pistol by way of "trade or business" to a person not himself a registered dealer, buying to sell again, should record in a book to be kept for the purpose the particulars set out in the Schedule; those particulars being the name and address of both seller and purchaser, the district in which the certificate for the purchase of the pistol had been issued, and the "description, number and calibre of the pistol." The Bill also gave the Home Secretary power to prescribe the form of the record book and to vary or add to the Schedule. No objection appears to have been offered, or at any rate to have been pressed, by the Gun trade to this procedure, and we see no reason, therefore, why there should be practical difficulty in securing a sufficient record of the sale of firearms of every description to enable the weapon to be traced, and any evasion of the Act to be brought home to the offender. We think it essential, however, to any efficient system of control by the State of the sale and manufacture of firearms and ammunition, that records of wholesale as well as of retail sales should be kept, and be open to inspection by the authorities. Without such a record of transactions between the manufacturer and the dealer, or between one dealer and another, it would be more difficult to trace illegitimate shipments of arms to Ireland or to places abroad, and we recommend, therefore, that wholesale transactions, as well as the sale of single weapons to individual purchasers, should be recorded.

(d) Restriction on sale of ammunition.

As in the case of the Bill of 1911, we recommend (Appendix A, No. 12), that the proposed system of control and record of the sale and possession of firearms should apply to ammunition for such weapons, as well as to the weapons themselves; and we think that the Police Authority should have power to limit the quantity of ammunition purchaseable at any one time, or owned, by individuals or rifle clubs. These, however, are matters which obviously cannot be prescribed by the Bill but must be regulated by administrative action under it; and we recommend, therefore, that the Bill should give the Home Secretary power to prescribe the forms of certificate for the purchase of pistols and pistol ammunition, which could be altered or amended from time to time as experience might suggest; that the Police should have power to fix the quantity of ammunition purchasable under each certificate; and that the quantity sold and the date of sale should be entered on the certificate by the registered dealer when the sale took place.

(e) Identification of buyer.

The Bill of 1911 provided that the registered dealer should not sell a pistol to a person who was not known to him, unless that person produced to him, in addition to the pistol certificate, an "attested statement as defined by the Act to the effect that the purchaser was the person named in the certificate," while an "attested statement" was defined as a "statement signed by the person delivering it and certified as correct by the Police Officer of the district within which he resides, of rank not lower than that of Inspector, or by a Justice of the Peace, or by two reputable householders to whom the person delivering the statement is personally known." This procedure does not seem to us a very satisfactory one for the purpose in view, which, we presume, was (1) to enable a person who had been granted a certificate for the purchase of a pistol by the Police of the district in which he lived, to buy the pistol in another district, and (2) to prevent him from passing on the certificate to someone else who might not be a fit person to have a pistol. It does not appear that the production of the attested statement would really carry the identification of the buyer any further than the production of the certificate itself, for a person willing to pass on the certificate would be willing to pass on the attested statement, and the only completely trustworthy way of identifying the purchaser would be a personal identification by someone known to the dealer. This, however, would be a very cumbrous process, and we suggest that the attested statement might be dispensed with, provided that it were made the duty of the registered dealer, subject to a substantial penalty for non-compliance, immediately on the sale of a pistol or ammunition to inform the Chief Officer of Police who had issued the certificate of the particulars of the sale. The Police could then in any case of doubt verify the transaction by reference to the person to whom they had issued the certificate, or by other inquiry.

8. Before proceeding to deal with the question of the import and export of firearms, it will be convenient at this point to refer to the three directions in which, in our opinion, special provision will have to be made for the case of Ireland. In the first place, in view of the information furnished to us to the effect that in most of the cases of the criminal use of firearms in Ireland referred to in paragraph 2 the weapon used was a shot

gun, we recommend that the proposed Bill should in its application to Ireland cover smooth-bore shot guns, as well as all other firearms. This can be effected by inserting suitable words in the definition clause. (See Appendix A.) Secondly, it will be necessary to control under the system of permits (see paragraph 12 (2)), the removal of firearms by sea (coastwise) from Great Britain to Ireland. The Irish Government may also wish to apply the permit system, in the interests of stricter control, to removals from one place in Ireland to another. It will also be necessary to provide in Ireland that no person shall be registered as a manufacturer of or dealer in firearms except with the consent of the Police or other Government Authority, and that such consent may be withheld at discretion.

9. The effective control of the import and export trade in firearms, and of the removal of firearms from Great Britain to Ireland can, to a great extent, be brought about by departmental action under the present law, and will need fresh legislative authority on the point mentioned in paragraph 13 only. We propose to deal with this part of the subject under the following heads:- (1) Control of Imports, (2) Control of Exports, and (3) Control of Removals "coastwise" from Great Britain to Ireland.

#### CONTROL OF IMPORTS

10.-(1) Import Prohibition. - (i) For this purpose legislation will not be necessary, as Section 43 of the Customs Consolidation Act, 1876, provides for prohibition of the importation of any article by proclamation, and this proclamation may contain provision for a system of import licenses. We recommend that the import prohibition should be a general one, extending to firearms (and parts of firearms) of every description, and ammunition imported at any port in Great Britain or Ireland. This general prohibition should be modified by giving power to the Police to issue licenses to import firearms or parts of firearms, as described in paragraph 10 (2). We recommend this general prohibition because, in view of the difficulties of controlling cross-channel shipments to Ireland, it will not be safe to forgo control over the importation of firearms of any description (or parts of firearms) into Great Britain if, as we recommend in paragraph 8, all firearms of every description are to be subject to police control in Ireland. The system of import licenses discussed in paragraph 10 (2) will invest the prohibition with sufficient elasticity to allow of shot-guns and parts of firearms being freely imported into Great Britain when no suspicion of an Irish destination exists.

(ii) The responsibility for enforcing the prohibition against firearms imported as merchandise, or by parcel post, will rest primarily with the Customs authorities at the place of importation. On production of a license the Customs will release the goods and advise their release to the police authority by whom the license was issued, so that the latter may, if they think necessary, verify the arrival of the goods at the authorized destination in due course, or institute enquiries in the event of their non-arrival. Firearms or parts of firearms not covered by an import license should be detained by the Customs, and seized under the Customs law if no license is produced within a reasonable time.

(iii) As regards passengers arriving in the United Kingdom from abroad, the Board of Customs and Excise should be asked to give directions that all passengers are to be questioned as to the possession of firearms, and that in the course of the examination of baggage for revenue purposes a look out should also be kept for concealed firearms. In view, however, of the statutory limitations on the right of search by Customs Officers\* [\* Under Section 185 of the Customs Consolidation Act, 1876, a Customs Officer is liable to a penalty of £10 for causing any person to be searched without reasonable cause.], and the practical objections to any undue prolongation of the time occupied by the Customs examination of baggage, we are satisfied that the Customs cannot be expected to detect and prevent all attempts at the surreptitious introduction of firearms. We consider that, apart from a special examination (by the Police) of persons known to be dangerous characters, reliance will have to be placed mainly on the deterrent effect of heavy penalties on persons detected in such attempts, and on the practical difficulty of importing large quantities of firearms in the guise of baggage without discovery.

(iv) We understand that the Aliens Committee of the Reconstruction Committee have considered the question of the restrictions to be imposed upon aliens in the United Kingdom after the war, and that in accordance with their report, a draft Order in Council (to be made under an Act amending the Aliens Restriction Act, 1914), has been prepared which contains the following clause:-

"11. The Secretary of State may by Order impose on any alien or class of aliens such restrictions (in addition to the other restrictions imposed by this Order) as to residence, reporting to the Police, registration, the use or possession of any machine, apparatus, arms and explosives, or other articles, or otherwise, as he may deem to be necessary in the public interest, and any alien in relation to whom such an Order is made shall comply with the terms of the Order."

We have considerable doubt whether or not it will be possible altogether to prevent the smuggling into the country by alien immigrants of firearms or of, at any rate, limited quantities of ammunition. It is obviously to the public interest that this should be prevented as far as practicable, and we have consulted on the point Mr. W. Haldane Porter, C.B., H.M. Chief Officer under the Aliens Acts, who has furnished us with the following memorandum:- "It would be quite impracticable to search all alien passengers arriving in the United Kingdom when the normal passenger services are restored after the war - one has only to think of the cross-channel traffic to ports like Dover and Folkestone or a crowded American liner at Liverpool or Southampton to realise this. "It is proposed in the legislation contemplated after the war that every alien passenger shall be liable to inspection and in certain cases, e.g., aliens of the immigrant class, this inspection will be of a rigorous nature. It would, in fact, be possible to apply personal search to all aliens subjected to close inspection if it were considered necessary and desirable. "But large numbers of aliens will naturally merely be interrogated briefly on arrival, and unless some definite guidance were given to the Aliens Officers, personal search could not be resorted to. The competent authorities might be able to furnish information as to specific individuals or to indicate that passengers of a certain class coming from certain countries were to be regarded with suspicion, and action could be taken accordingly. "The powers of search at present exercised have arisen out of the state of war and in what I have said above I have assumed that after the war the power to search will exist either inferentially from the prohibition on the importation of arms or by direct enactment."

We think there should be such power to search alien immigrants for arms and ammunition, and we recommend therefore that specific powers for the purpose should be given to the officers under the Aliens Act.

(2) Import Licenses.- (i) We recommend that the licensing authority should be the Police of the district in which the importer resides or carries on business.

(ii) As regards the issue of licenses, we recommend that in the absence of any suspicious circumstances, import licenses should be freely granted:-

(a) for parts of firearms consigned to registered manufacturers, e.g., for Belgian tubes which are used to a considerable extent by British manufacturers in making barrels for sporting guns;

(b) for finished firearms consigned to a registered dealer in firearms; and

(c) for sporting firearms of any description imported by private individuals.

(iii) In the case of firearms or parts of firearms of any description imported into the United Kingdom for transshipment, the requirement of an import license might be waived\* [In Customs law transshipment goods are amenable to any import or export prohibitions in force for the time being in the same way as ordinary imports and exports.] on condition that the transshipment is effected under bond for the due re-exportation of the goods, and that the goods are kept in Customs charge until an export license is produced. The requisite control can be most conveniently applied by means of export licenses (see paragraph 11 (2)).

(iv) In applying our recommendations at (ii) (c) and (iii) to firearms in the possession of passengers arriving from abroad, and forming part of their personal effects, we suggest:-

(a) that the requirement of a license should be waived for shot guns so imported into Great Britain (but not into Ireland); and (b) that a passenger who is merely passing through the United Kingdom for re-embarkation at another port should not be required to obtain an import license for any firearms in his possession, if the weapons are forwarded in a sealed case or packet from the port of landing to the port of re-embarkation.

These two concessions should be conditional upon the firearms being duly declared and produced by the passenger to the Customs authorities at the port of landing.



## CONTROL OF EXPORTS

11. We have referred, in paragraph 3 to the recommendation of the Sub-Committee on Arms Traffic, that among the undertakings which it will be of the "utmost consequence to civilisation in general" to obtain from, if possible, all the Powers represented at the Peace Conference is an undertaking to prohibit the export of automatic pistols and ammunition of every kind to any destination except under Government license. The question whether this, with the other recommendations of the Sub-Committee, shall be adopted, and whether the negotiations at the Peace Conference shall include an endeavour to secure an International undertaking to the effect recommended by the Sub-Committee, is, of course, a matter for the decision of His Majesty's Government; but the report containing them having been referred to us, we assume that we should express our views as to the manner in which a system of prohibition of the export of firearms and ammunition to any destination except under Government license should be brought into force, and this we proceed to do.

(1) Export Prohibition.-(i) Here again we recommend a general prohibition - that is to say, that the exportation of fire-arms should be prohibited to all destination; that the prohibition should not be limited to automatic pistols or even to finished firearms adapted to military purposes, but should cover all fire-arms, including sporting guns and parts of firearms of any description, and ammunition; and that, as in the case of imports, the formal generality of the prohibition should be modified at discretion by issuing licenses freely for sporting guns and parts of firearms to approved destinations. For the purpose of such general prohibition legislation will not be necessary; the power of imposing it already exists in Section 8 of the Customs and Inland Revenue Act, 1879.

(ii) As regards enforcement of the prohibition it must be borne in mind that the Customs regulations in relation to the exportation of non-dutiable goods are directed, under normal peace conditions, only at obtaining a record of shipments for statistical purposes, and do not include a systematic examination of goods shipped or brought for shipment. The present elaborate system of Customs export control was specially instituted as a war measure; and there is no guarantee that it will be continued after the end of the war. The Customs authorities should be asked to do what they can in the course of their ordinary duties to detect and prevent shipments of firearms without license.

(2) Export Licenses.-(i) The proper authority for the issue of export licenses after the war will, in our opinion, be the Board of Trade. In administering the issue of licenses the Board of Trade would act in consultation with the Foreign Office, Colonial Office or India Office, according to the destination of the goods.

(ii) The power to control transshipments of firearms in the United Kingdom will follow automatically from the export prohibition. This power should be exercised by requiring a license for transshipments in the same way as for direct exports.

(iii) In order to ensure as far as possible that export licenses are duly produced at the port of shipment for comparison with the goods themselves, the Board of Customs and Excise should be moved to exercise their powers under Section 139 of the Customs Consolidation Act, 1876, by making an order for pre-entry (i.e., entry and clearance before shipment\* [Under peace conditions pre-entry is not ordinarily required as respects exports other than dutiable goods shipped in bond or on drawback.] ) as respects all firearms intended for shipment to any destination. Firearms presented for shipment without an export license will be liable to detention and seizure under the Customs Acts, and should be detained and seized accordingly.

(iv) We do not think it necessary to apply our suggestion as regards export license and pre-entry to firearms exported as part of their personal effects by passengers embarking for abroad. There is normally no Customs examination of outward passengers, and the arrangements for placing heavy baggage on board the departing vessel and the limited time allowed to passengers to go on board with their portable luggage would make any Customs examination at the port of embarkation impracticable. No useful purpose, therefore, would be served by requiring the passenger to obtain an export license for any firearm or ammunition he wished to take with him. He must, however, hold a firearm certificate in order to justify

his having arms in his possession, and if he has been granted one, we think it might safely be assumed that there could be no objection to his taking the weapon abroad. If he embarked with a firearm in his possession without having obtained a certificate, he would commit an offence against the measure we recommend in Appendix A, and would be liable to prosecution. We think reliance must be placed on this provision for the prevention of the illegitimate export of firearms as personal effects. Such export could in any case only be carried out successfully on a small scale. When, however, the authorities had reason to suspect that an offence of the kind was about to be committed, it would be competent to the Police to apply for a magistrate's warrant to search the suspected person and his effects before he started on his journey or before he reached the vessel, and, if arms or ammunition were found, to prosecute him for possessing them without having a firearm certificate. We suggest, further, that the powers which, in paragraph 10 (1) (iv) we propose should be given to the officers under the Aliens Act to search alien immigrants for arms and ammunition might be applicable in the case of aliens leaving a port in the United Kingdom.

(3) Records of Exports.- (i) Having regard to the objects of the export prohibition, it will not be safe to lose sight of firearms which have left the country, and thus risk their diversion to an unauthorised destination. We suggest, therefore, that, as each shipment is made, the Customs authorities should notify it to the India Office, Colonial Office or Foreign Office according to the destination of the goods, so that an advice may be sent to the Government of India or the Colony concerned, or to a Consular Officer in a foreign country, as the case may be. The advice would serve the double purpose of a warning to be on the look out for the arrival of the goods with a view to supervision of their disposal and a means of discovering any diversion of the goods from the authorised destination.

(ii) We should mention in this connection that, (apart from the Customs War Powers Acts, which will lapse at the end of the War), the only Customs machinery for tracing the ultimate disposal of goods exported from the United Kingdom is by requiring the exporter to give a bond under Section 104 of the Customs Consolidation Act, 1876, that the goods will be duly landed at the declared destination. There is also a Customs penalty of £500 for a false declaration as to the destination of exported goods; but it is obvious that, even if the British exporter were privy to a diversion of the exported firearms from their ostensible destination, the difficulty of obtaining evidence sufficient to secure a verdict in a British Court would be practically insuperable. The only way of punishing a trader when there are reasonable grounds for suspecting that he has obtained a license by a false representation as to the destination of the goods will be by refusing him licenses in the future.

(4) Control of Export by Removal Permit.- It would greatly facilitate such control as the Customs can effect at the place of shipment if all firearms for exportation were required to have affixed to them a removal permit issued by the Police of the district in which the sender or supplier resides or carries on business, and recording the date and number of the relative export license. The experience of the War indicates that not only the Customs but the Port Authorities and the shipping companies, too, will find it helpful to have a distinguishing mark on packages for which an export license is required, and which must, as such, be withheld from shipment until passed by the Customs. The issue of a permit should be advised to the Customs authorities at the prospective port of shipment; and the permit itself should be detached by the Customs when the goods are produced to them before shipment, and forwarded by them to the Chief Officer of Police for the district of issue as an advice that the shipment has been allowed. If the goods are not produced to them, the Customs would so advise the Police who had issued the permit, with a view to enquiry and prosecution for any misuse of the permit or breach of the Customs regulations, by shipment without pre-entry or otherwise.

(5) We do not pretend that the scheme we have just outlined will ensure the detection and prevention of all attempts to ship firearms out of the country by surreptitious means. We think, however, that the triple precaution of a Government license, pre-entry with the Customs, and a Police permit, (as recommended in paragraph 11 (2) and (4)), will go as far in this direction as is reasonably possible without setting up an elaborate and costly system of Customs control for this special purpose.

REMOVALS "COASTWISE" FROM GREAT BRITAIN TO IRELAND

12.-(1) In dealing with this subject it is necessary to premise that under normal peace conditions Customs control over coastwise traffic is purely formal, that outside the large ports a Customs staff is only stationed at a comparatively few places where the trade is sufficient to justify its maintenance, and that even where Customs Officers are stationed it is no part of their duty to supervise the loading and discharge of coastwise cargoes. In the circumstances the Customs cannot exercise any systematic control over coastwise shipments of firearms.

(2) As regards Ireland, the experience of the Home Office, Irish Office and Customs before the war is conclusive as to the difficulty of effective control by means of Customs machinery only. During the period December, 1913, to the outbreak of the war, there was a Customs prohibition\* [\* Under Section 8 of the Customs and Inland Revenue Act, 1879, such prohibition must be general, e.g., it cannot be limited to shipments from Great Britain to Ireland.] in force against all coastwise shipments of military arms or explosives of any description, and a Customs Order\*\* [\*\* Under Section 139 of the Customs Consolidation Act, 1876.] requiring pre-entry of all other arms exempt from the coastwise prohibition. Two of the main factors of weakness in this system were (a) the limitation of control to the time and place of loading or discharge, and (b) the lack of any independent powers of action by the Police. We recommend that a system of removal permits should be strictly enforced as respects removals of firearms from Great Britain to Ireland so that (a) packages unaccompanied by a permit may be detained at any point of their journey, and (b) detention may be effected by the Police under powers proposed to be conferred upon them, without calling in aid the special powers vested in the Customs authorities.

13.-(1) For the purpose of authorising the system of permits referred to in paragraph 11 (4) and 12 (2), we recommend that in the proposed Bill power should be taken for a Secretary of State (in Ireland, the Lord Lieutenant) to require by Order, and under regulations to be set out in the Order, that no firearms or parts of firearms must be removed by any means of conveyance from one place in the United Kingdom to another, unless accompanied by a permit issued by or with the authority of the Police of the district whence the removal takes place. This power should be exercisable either generally or as respects particular kinds of firearms, or particular methods of conveyance, or removals within or between particular districts or localities. The regulations should include a saving clause for any firearm removed from one place to another in the custody of the person who holds a firearm certificate authorising him to possess or use it.

(2) We think this power should in practice be exercised as regards firearms and parts of firearms intended: - (a) for exportation abroad (see paragraph 11 (4) above); (b) for removal coastwise from Great Britain to Ireland; and (c) for removal by sea ("coastwise") from any place in the United Kingdom to another. We add (c) because we regard control of all coastwise shipments as a necessary factor in the control of shipments from Great Britain to Ireland.

(3) Removal permits should show the name and address of the consignor and the name and address of the consignee, with the method and route of conveyance. Every permit should be securely and conspicuously affixed to the case or other receptacle in which the arms are packed; the absence of a permit on a case or package containing arms and requiring a permit will be sufficient ground for its detention by any officer of Police at any point in its journey by land or water.

(4) Permits required by private individuals or small retailers and all permits for firearms intended for exportation should be issued by the Police of the district in which the sender resides or carries on business. Manufacturers and retailers in a large way of business should be supplied by the Police with books of permits to be used, as occasion arises, for sending out firearms otherwise than for exportation. On the counterfoil of each permit should be inserted the same particulars as are inscribed on the permit itself, and these particulars should be modified by the local Police to the Police of the district of destination. The Police should periodically inspect the counterfoils of used permits in the hands of manufacturers and retailers.

14. The system of control which we recommend would not prove effective in the case of organised gun-running upon a large scale such as occurred in Ireland in 1914. No import regulations will prevent the landing by force or surreptitiously of large quantities of rifles; and after they have been distributed the prosecutions of individuals for contraventions of a Firearms Control Act would be impracticable. Such cases must be dealt with in the first instance by the Naval or Military Authorities, and any unauthorised training or drilling to the use of arms should be firmly suppressed by the enforcement of the Unlawful Drilling Act, 1819. In this connection our attention has been drawn to the fact that the object of that Act

may be, and of recent years has been, defeated by obtaining authority from "two Justices of the Peace." We recommend that Section 1 of the Act should be amended and that the power to authorise drilling to the use of arms should be vested in the Crown and the Naval and Military Authorities only.

15. It must, of course, be expected that such a measure, and such executive action, for the control of the manufacture, sale, acquisition and possession, import and export of firearms and ammunition as we have recommended will meet with opposition from the persons who before the war were engaged in the manufacture or in the sale, import or export of these weapons, but this opposition must in our opinion be disregarded. The industry as a private industry has been in abeyance during the war, and on its revival it must be subject to the regulations required in the public interest.

16. We have only to add that if the recommendations in the Report are adopted by His Majesty's Government, the preparation and introduction of the Bill should, we think, be proceeded with as soon as possible. It is desirable that the arms which are being dispersed over the country by soldiers returning from the Front should be brought without delay under the system of control which we recommend. Moreover, it would be fair to the manufacturers and sellers of firearms whose business has been at a standstill during the war that they should know, before preparing to resume it, of the restrictions about to be placed upon the sale and possession of these weapons. We may add this further reason against the postponement of legislation for the control of firearms and ammunition, that His Majesty's Government will, we conceive, be in a much stronger position in urging upon other Powers the imperative necessity for an international agreement for the control of the traffic, if they can point to domestic legislation and control as accomplished facts.

17. Our recommendations may be summarised as follows:-

- (1) That military firearms and ammunition which are the property of the Government, should on demobilisation be returned to store, and should remain under complete and permanent Government control. (See para. 5 (1).)
- (2) That the Departments concerned should take steps to prevent military firearms which are the property of combatants, whether officers or men, from being thrown upon the market when the owners cease to belong to H.M. Forces. (See para. 5 (2).)
- (3) That as soon as practicable a Bill should be introduced by the Government on the lines set out in Appendix A, to provide, inter alia -
  - (i) That the right to purchase or possess a revolver or any other description of firearm as defined in the Bill, or ammunition for such weapon, shall be limited to persons who in the opinion of a Chief Officer of Police may possess a firearm without danger to the public safety. (See para. 6.)
  - (ii) That such persons shall be granted a firearm certificate by the Police of the district in which they reside. (See para. 6.)
  - (iii) That there shall be a right of appeal to a Petty Sessional Court against the refusal of the Police to grant a certificate. (See para. 6.)
  - (iv) That manufacturers and sellers of firearms shall be registered, and shall keep records of the sale of firearms whether by wholesale or retail, and that there shall be power under a Justice's warrant for the Police to examine their books. (See paras. 6, 7 (c).)
  - (v) That in Ireland, though not in Great Britain, the registration of manufacturers or, or dealers in, firearms shall be at the discretion of a Government authority. (See para. 8.)
  - (vi) That in Great Britain, but not in Ireland, shot guns and ammunition therefor shall be excluded from the operation of the Bill. (See para.8.)
- (4) That a Proclamation shall be issued under Section 43 of the Customs Consolidation Act, 1876, prohibiting the importation of firearms and parts of firearms, except when authorised by license to be issued by the Police. (See para. 10 (1).)
- (5) That a Proclamation shall be issued under Section 8 of the Customs and Inland Revenue Act, 1879, prohibiting the exportation of firearms and parts of firearms, except when authorised by license to be issued by the Board of Trade. (See para. 11 (1), (2).)
- (6) That specific powers should be given to the Officers under the Aliens Act to search for arms and ammunition both aliens arriving at and aliens leaving a port in the United Kingdom. (See paras. 10 (1) (iv) and 11 (2) (iv).)

(7) That power be taken to control the movement of firearms and parts of firearms within the United Kingdom by permits to be issued by a Police Authority, and that this power be exercised in particular as regards firearms and parts of firearms intended for exportation or carriage by sea "coastwise." (See para. 13.)

We have the honour to be, Sir,  
Your obedient Servants,  
15th November, 1918  
ERNLEY BLACKWELL,  
Chairman

E. C. CUNNINGHAM.

F.J. DRYHURST.

LEONARD DUNNING.

H. FOUNTAIN.

ARTHUR W. SAMUELS.

J.E.SHUCKBURGH.

MAURICE TOMLIN.

B.M.TOMLINSON.

APPENDIX A

Heads of a Bill to Provide for the Control of the Possession, Manufacture, Sale, Import and Export of Firearms and Ammunition in the United Kingdom.

1.- (1) The right to purchase, possess, use or carry any description of firearm (as defined in 12), or ammunition for the weapon, to be limited to persons holding a firearm certificate.

Penalty for contravention, on summary conviction, a fine not exceeding £50.

(2) Firearm certificate to be granted by the Chief Officer of Police of the district in which the applicant resides, on payment of the required fee, when such Chief Officer is satisfied that the applicant is a person who can be permitted to have the firearm without danger to the public safety. (The Bill of 1911 merely required a written statement by a "reputable householder" in support of the application.)

Certificate to relate to one identified firearm only, and to a definite quantity of ammunition; but a certificate may be granted for bona fide sporting purposes of a rifle not identified as the property of the user.

(3) There shall be a right of appeal to a Court of Summary Jurisdiction against the refusal of Chief Officer of Police to grant a certificate. In Ireland the appeal to lie in the Dublin Metropolitan Police area to a Divisional Magistrate and elsewhere to a Resident Magistrate.

(4) Chief Officer of Police not to grant firearm certificate:-

(i) To a person under the age of 18 years.

(ii) To a person whom he knows, or has reasonable cause for believing, to be of drunken habits.

(iii) To a person whom he knows, or has reasonable ground for believing, to be of unsound mind.

(iv) To a person whom he knows to have been sentenced to penal servitude or imprisonment for a crime of violence, or burglary or housebreaking; or to a person for the time being under recognizances to keep the peace or be of good behaviour; or to a person holding a license under the Penal Servitude Acts; or to a person under police supervision.

(5) Firearm certificate to be subject to expiration and annual renewal, as in the case of gun licenses, and, preferably, on the same date. Fee on grant of firearm certificate 5s and on annual renewal 2s.6d.

(6) Firearm certificate not to be required:-

- (a) by any person in H.M. Naval, Military, Air or Reserve Services, or in a Police Force, for any firearm which he possesses or uses in his official capacity; or
  - (b) by any gunsmith or his servant having the firearm in ordinary course of his trade or business as gunsmith, or by any servant of an authorised Proof House; or
  - (c) by common carrier having or carrying a firearm in course of his business; or
  - (d) for any firearm forming part of a ship's equipment, provided it is not brought ashore; or
  - (e) by any member of an approved rifle or miniature rifle club for using or carrying a firearm when engaged in target practice.
- (7) Person using or carrying a firearm not to be relieved from obligation to take out a gun license.

2.-(1) Person not to manufacture, sell, whether wholesale or retail, or expose for sale firearms by way of trade or business unless registered as a firearm dealer.

(2) Pawnbroker not to take firearm in pawn; firearms already in pledge to be sold only to registered dealers.

(3) Person not to sell firearm except to a registered dealer unless purchaser produces a firearm certificate. (The Bill of 1911 exempted the registered dealer from a penalty for selling a pistol without production of a certificate if the buyer (i) gave him an attested statement to the effect that he was about to proceed abroad for a period of not less than two months; or (ii) showed that he was a passenger or seaman on a departing ship and the pistol was not delivered to him until he was on board; or (iii) showed by producing a railway or ship ticket that he was leaving the United Kingdom on a journey or voyage of more than 48 hours' duration and the dealer informed the Police of the district of such sale. There appears to be no sufficient reason for these exemptions. They would, e.g., enable an emigrant to take a gun or pistol with him, though he might be an improper person to have one. Again, a tourist going for a few days' holiday on the Continent, or as seaman, could, without reference to the police, buy a pistol, and might bring it back and keep it without having a certificate.)

(4) Seller of firearm immediately to inform Chief Officer of Police who had issued certificate of full particulars of sale.

(5) Manufacturers or dealers who sell firearms by way of trade or business, whether by wholesale or retail, to enter in a book to be kept for the purpose the particulars of each transaction set out in the Schedule to Act. The book to be open to inspection by officers of Police, and any officers engaged in the administration of the Gun License and Game License Acts.

(6) Penalty for contravention of, or failure to comply with, this provision to be £20, and for making a false entry in the book of particulars to be three months' imprisonment or a fine of £20, or both.

(7) This provision to be in addition to and not in derogation of any provision of this or any other Acts which prohibit or restrict the sale of firearms to any person.

3. Persons under 18 not to purchase, possess, use, or carry a firearm under penalty of £20.

4.-(1) Firearms not to be sold to any person whom seller knows, or has reasonable grounds for believing, to be drunk or of unsound mind even though such person may have been granted a firearm certificate.

(2) Penalty for contravention, fine not exceeding £20, or imprisonment not exceeding three months.

5.-(1) A person ineligible to hold a firearm certificate under cl. 1 (4) (iv) not to possess, use or carry a firearm.

(2) Penalty for contravention, fine not exceeding £20, or imprisonment not exceeding three months.

6.-(1) The Chief Officer of Police of every Police District to keep register, in form prescribed by the Secretary of State, of persons manufacturing or selling firearms, and to register therein every person who, having a place of business in his district, desires to be registered as a firearms dealer, and furnishes such particulars as may be prescribed by Secretary of State, and pays a fee of 5s.

(2) Court to have power to cancel registration on conviction of a registered person of an offence under the Act, or of any offence against the Customs Acts in relation to the import or export of firearms. (It does not appear to be necessary to control manufacture otherwise than by requiring registration; the control will, in effect, come about through the restriction of the persons permitted to have firearms.)

7. Application of fees to be provided for.

8. Court to have power to forfeit firearm or cancel firearm certificate on convicting a person of an offence under the Act, or of an offence which makes him ineligible to hold such certificate under cl. 1 (4) (iv).

9. Constable to have power to demand production of certificate by any person possessing, using or carrying a firearm, and on failure or refusal to produce the certificate, power to seize the weapon. (This is a new proposal.)

10. Justice of the Peace, if satisfied by information on oath that there is reasonable ground for suspecting that an offence under the Act has been, or is about to be, committed, or that a person is in possession of firearms imported, or about to be exported, without proper authority, to have power to grant a warrant authorising any Constable named therein to search places or persons for firearms, and to seize the fire arms if found, or to examine a registered dealer's books. (The Bill of 1911 did not extend this power to examination of a dealer's books.)

11. The Secretary of State (in Ireland the Lord Lieutenant) to have power to require, by Order, and by regulations to be set out in the Order, that no firearms must be removed by any means of conveyance from one place in the United Kingdom to another, unless accompanied by a permit issued by, or with the authority of, the Police of the district whence the removal takes place.

Such power either to be exercisable either generally, or as respects particular kinds of firearms, or particular modes of conveyance, or removals within, or between particular districts or localities. Police to be given power to search for and detain firearms removed in contravention of such Order and regulations. Penalty for contravention, £20 and confiscation of the goods.

12. Definition Clause: -

The term "firearm" includes a firearm of any description and an airgun or any other weapon from which any shot, bullet or other missile (including any noxious liquid or gas) can be discharged, and the term "ammunition" means ammunition for any such "firearm." Provided that in Great Britain a smoothbore shot gun and ammunition therefor shall not be deemed to be a firearm or ammunition respectively unless and until sold or removed for shipment either for exportation or carriage coastwise.

13. Saving for antique guns and pistols.

14. Application of Act to Ireland.

15. General power to Secretary of State to make Rules for the carrying out of the Act; prescribe forms for gun and pistol certificates and for record of sales, and forms of license for import; and by order to vary or add to the Schedule to the Act.

16. Pistols Act, 1903, to be repealed. Section 1 of the Unlawful Drilling Act, 1819, to be amended.

## SCHEDULE

Particulars to be entered in book by registered dealer.

1. Name and address of seller.
2. Name and address of purchaser.
3. When sale is to a person not a registered dealer, district in which firearm certificate is issued and date of notification of sale to Police.
4. Description, number and calibre of firearm.

## APPENDIX B

Memorandum of Discussion with Mr. Rafter, Chief Constable of Birmingham, on 1st May, 1918.

1. Mr. Rafter, Chief Constable of Birmingham, attended the Meeting by request of the Committee.

2. The Chairman read Clause 6 of the proposed Pistols Bill of 1911, which provided that the Chief Officer of Police of every Police District should keep a register of persons who desired to be registered as dealers in pistols - persons so registered alone being allowed to sell them - and explained that the Committee proposed to recommend that such registration should be applied to manufacturers of and dealers in firearms of every description except smooth-bore shot-guns. They had also considered the question whether the Police should have power to refuse to register applicants whom they considered to be unsuitable persons to carry on the trade; and they desired to have Mr. Rafter's opinion on both the limited and the wider proposal. Mr. Rafter's reply was to the effect that the Police would have no difficulty in keeping the proposed register, and that it would be of service to them in guarding against improper dealing in firearms, provided that they had, as would have been the case under the Bill of 1911, administrative duties only to discharge: that is to say, that they had no discretion to reject applicants for registration. He saw great difficulty in the way of the Police being required to exercise discretion in the registration of applicants. The Police Authority in Boroughs was the Watch Committee to whom the Chief Constable was responsible, and they might not appreciate the reasons why he had refused to register some ostensibly honest and straightforward citizen who wished to resume or take up the business of making or selling firearms, and who would at once complain to the Watch Committee and to the newspapers of arbitrary and unwarrantable interference by the Police with private trade. Moreover, however good the reasons the Police might have for refusing to register an applicant, there would in many cases be reasons which in the public interest could not be disclosed. The same difficulty would arise if the rejected applicant could appeal to the Justices, or if the duty of registering applicants were made a function of the Justices. They could in most cases only act upon the report of the Chief Constable as to the character of the applicant; if the facts as to his unsuitability were so patent that the Court would not entertain the application, he would not think it worth while to apply, while if they were such as the Police could not make public, the Court would not be likely to take the responsibility of refusing him registration. It was suggested that there might be an appeal from the decision of the Police to the Home Secretary, but, as the Chairman pointed out, the Home Secretary could only be guided by the report of the Chief Constable with whose action he was being asked to interfere and the public would not regard an appeal to the Home Office as of any real value. Mr. Rafter suggested that the power of the Competent Military Authority under the Defence of the Realm Regulations to decide to what extent firearms and ammunition might be sold, purchased, and transferred, which he thought had been very successfully exercised in Birmingham, might be continued after the War; but the Committee agreed with Colonel Hoare's view that although this was a power which had necessarily been given to the War Office in the time of War, it could not be considered their business to exercise it in ordinary times. After much discussion, and allowing full weight to the altered circumstances which would exist after the War, when public opinion would no doubt demand that the manufacture of firearms and the trade in them should be strictly controlled, it was agreed that it would not be expedient to recommend that either Chief Officers of Police or Courts of Summary Jurisdiction should be charged with the duty of deciding what persons might, and what persons might not, be allowed to resume or take up the business, but that the proposed system of registration must be an administrative one. Mr. Rafter, however, considered that if power were given to the Court to remove from the register any registered person convicted of any offence under the Act, and if the Police, as Mr. Rafter thought would be necessary, were given the power to inspect not only the proposed records of sales of firearms but also, under a magistrate's warrant, to examine his books and search his premises, the proposed system of control would be practicable and efficient.

3. Mr. Rafter saw no difficulty in the discharge of the duty proposed to be placed upon the Police, subject to an appeal to a Court against their decision, of granting certificates to persons desirous to purchase or possess firearms other than shot-guns, who they considered might enjoy the privilege without danger to the public safety; and he suggested that the purchase and possession of shot-guns might be similarly limited. His experience led him to the conclusion that the registered dealer should be required to satisfy himself as to the identity of the buyer, and that no sale should be allowed, either of single weapons or in bulk, under assumed names. Large transactions had to his knowledge taken place in which firearms had by the buyer's request been consigned to a person under a false name.



4. Mr. Rafter agreed with the provision in the Pistols Bill of 1911 which the Committee propose to endorse, that firearms should neither be taken in pawn nor sold by pawnbrokers. In the case of weapons in the possession of pawnbrokers when the prohibition came into effect, it was agreed that the owner should only be allowed to redeem his property if he produced a police certificate entitling him to possess it, and that the pawnbroker should be allowed to sell unredeemed weapons to registered dealers.

5. Mr. Rafter did not apprehend difficulty on the part of the Police from the proposed provision that the importation of firearms or parts of firearms should be allowed only when the registered dealer or manufacturer had obtained a license from the Chief Officer of Police of the district in which he resided or carried on his business. The license, however, would probably have to be granted as a matter of course in most cases, as the grounds of refusal would have to be very clear to justify the Police taking the responsibility of refusing the license.

6. As regards the export of firearms, Mr. Rafter knew of cases in which there was every reason to think that they were exported to parts of the world which it was not to the interest of the United Kingdom that they should reach, e.g., the Persian Gulf, but the difficulty of getting proof of illegitimate traffic of this sort was great, and he was not able to suggest any procedure by which this difficulty could be removed.