



**Position Statement of The Fifty Calibre Shooters Association of the United Kingdom (FCSA - UK)**

**On**

**The Decision to move to prohibit the civilian ownership of firearms with over 10,000 ft/lbs muzzle energy, including .50 calibre target rifles**

**Authority to Submit Position Statement**

The Fifty Calibre Shooters Association of the United Kingdom (hereafter referred to as the FCSA) is a Home Office approved club (Home Office Ref CFP 10 1/7/4/1/2/1/2/3/474) affiliated to the National Rifle Association (NRA) of the UK.

The FCSA (UK) was formed in 2001 to support target shooting with .50 calibre rifles and other large calibre rifles at long range and is the primary club in the United Kingdom with experience in the use of such rifles.

As such we have been elected onto the British Shooting Sports Council (BSSC) to advise on matters pertaining to the use of such rifles.

The club is also affiliated internationally with the FCSA of the USA which was formed in 1985 and has over 2400 members, the Long Range Shooting Club of Australia and the FCSA of Switzerland.

We currently have 420 members from a wide spectrum of backgrounds who participate regularly in the sporting use of .50 calibre and other rifles, namely target shooting.

Target shooting World Championships are held annually in the USA at which British competitors compete with considerable success.

The FCSA is thus both the club with the greatest experience and understanding in the United Kingdom on matters relating to the use of such rifles and that which would be most adversely affected by the decision of The Rt Hon Mr Hurd to move forward with the prohibition of the civilian ownership of firearms with over 10,000 ft/lbs muzzle energy that would include .50 calibre rifles.

## Concerns

### Pre Consultation Document Publication

There has been a longstanding understanding between the BSSC and the Home Office that prior to any proposed major change to legislation relating to firearms that there would be discussion between the Home Office and the BSSC.

It is our understanding that the Home Office chose not to follow this established protocol and moved instead, with no evidenced necessity for urgency, to tack the proposals to prohibit the civilian ownership of .50 calibre rifles onto a Consultation Document already in preparation relating to proposed legislative changes relating to knives and corrosive substances.

The failure to follow established protocol and instigate dialogue with the BSSC prior to the publication of the Consultation Document on the proposal to prohibit the civilian ownership of .50 calibre rifles is clearly reflected in its grossly inaccurate and highly misleading content.

We are further deeply concerned that the decision has been announced to proceed with a prohibition on firearms with more than 10,00ft/lbs muzzle energy even before the Home Office has published its consideration of the responses to the consultation document.

### Concerns regarding the Consultation Document information base

The Consultation Document in the preamble to the section on Firearms indicates that a "*Firearms Science and Technology programme*" and a "*multi agency firearms unit*" had raised concerns about large calibre (0.50) rifles stating that "*there are concerns about their potential for serious misuse and loss of life if they were to fall into the wrong hands*".

The document does not identify the skill base of the individual(s) raising the alleged concerns nor the "industry experts" consulted sufficiently to allow those considering the consultation document to evaluate the validity of such alleged "concerns".

Certainly, the rest of the consultation document calls deeply into question either the knowledge of those informing it on issues pertaining to .50 Calibre rifles and their sporting use or whether it reflects a deliberate attempt on the authors part to mislead those considering it.

This is, in either case, deeply concerning.

### Concerns that the Consultation Document does not meet the Home Office own standards

1. The Home Office guidelines on "*consultation principles 2016*" indicates that consultation should "*give enough information to ensure that those consulted understand the issues and can give informed responses. Include validated assessments of the costs and benefits of the options being considered*".

It is further stated that "*consultation should be targeted. Consider the full range of people, business and voluntary bodies affected by the policy, and whether representative groups exist*".

Our view is that the consultation document is not evidence based and does not meet the standards required by the Home Office under its own "*consultation principles*" and is thus inadequate for the following reasons:

(a) The consultation document and impact assessment refer solely to MARS type rifles (which are outwith the scope of the response) and to .50 rifles of a "*materiel destruction*" type.

This has moved to a plan to prohibit the civilian ownership of all firearms with a muzzle energy of over 10,000 ft/lbs.

Based on the Consultation Document it did not appear that the Home Office were pursuing legislation effectively banning firearms with an excess of 10,000 ft/lbs muzzle energy.

To have not included this extension of proposals clearly undermines all aspects of the consultation, in particular the ability of those being consulted to "*understand the issues*" and thus "*give an informed response*".

To move forward with legislation prohibiting firearms with the muzzle energy in excess of 10,000 ft/lbs clearly also includes a wide range of calibres, not simply the .50 calibre rifles, which are used for long-range target shooting, but also several smaller calibres and a number of rifles which can be considered as historic firearms of a collectable nature, the owners and users of which have not been "targeted".

(b) Were it to be limited to a single calibre, namely .50, this would still include several older calibres and other sporting rifles the users and owners of which have not been targeted.

(c) The use of the term "*materiel destruction*" with regard to the .50 rifle, is in itself inaccurate and misleading through omission of the fact that to fulfil such a purported role requires ammunition that is already prohibited under Section 5 of the firearms act (namely armour piercing, explosive and/or incendiary) and thus the legally held rifles cannot be used for this purpose. The term '*material destruction*' is purely a marketing term used by firearms manufacturers, there is no legal definition and a technical definition is somewhat ambiguous.

(d) It is further stated within the "evidence base" that "*these rifles were originally designed for military use to allow for firing over long distances in a manner capable of damaging vehicles and other physical capital (referred to in military terms as "materiel"). They are also designed to be able to penetrate armour worn by soldiers. If these rifles were used any criminal capacity it would allow for the penetration of police body armour and defensive protections that would not be possible with lower calibres*".

There are various issues with this statement:

A. While the .50 calibre round was developed in 1918 as a machine-gun round, the development of rifles chambered for this round was primarily driven by civilian competitive target shooters in the early 1980s who led the developments in this field, the American military only adopting this calibre for use in a rifle in 1991.

B. The original rifles were designed for target shooting rather than to be "*capable of damaging vehicles and other physical capital*" or for "*military use*".

C. They were not designed to penetrate armour plating or armour worn by soldiers.

D. Many smaller calibres under 10,000 ft/lbs muzzle energy have more penetrative capabilities than .50 rifles, particularly if using armour piercing ammunition that is already prohibited for civilian use under section 5.

E. The concept of what is termed an “anti-material” capability (to which the consultation would appear to be alluding) does not relate specifically to the calibre of the rifle but to the ammunition used. “Anti-material” ammunition such as armour piercing, incendiary or explosive is already prohibited for civilian ownership and use under Section 5 of the Firearms Act. When used with conventional ball or target ammunition the .50 rifle does not have any anti material capability above and beyond that of any other large calibre rifle.

Indeed, the projectiles used for target shooting, such as Amax, disintegrate rather than penetrate when hitting a solid object.

F. Other calibres of greater than 10,000ft/lbs, for example .460, have not been developed for any “anti-material” role but primarily for long-range target shooting and the projectiles for such calibres have not been commercially produced for an anti-material purpose.

(d) It is stated that *“These rifles are used by a small number of civilian shooters to test their shooting over very long ranges using large calibre firearms”*.

In fact, the Fifty Calibre Shooters Association (FCSA) which is dedicated to target shooting with this calibre has its origins in the early 1980’s in the USA, has over 2,500 members. It is affiliated with .50 calibre target rifle shooting groups in Australia, Switzerland and the United Kingdom and, in addition to regular competitions hosts the annual World Championship in which UK target shooters compete.

The UK FCSA has existed as a well-respected target shooting club since 2001 and has grown to a membership of over 400 the existence of which should have been well known to the Home Office, the FCSA being a Home Office approved club.

Not to have expanded upon the recognised civilian use of this calibre for sporting purposes, namely target shooting, in which members of the FCSA shoot at an international level, minimises the legitimate sporting use of such rifles and is misleading.

(e) It is stated within the impact assessment that *“... there are concerns about their potential for serious misuse and loss of life if they were to fall into the wrong hands”*.

It is further stated within the “evidence base” with regard to .50 calibre rifles that *“... the ownership by civilians creates a risk of these weapons getting into the hands of either criminals or terrorists”*.

Such assertions do not appear to be evidence based at all within the document.

The size, difficulty in concealment, weight, unwieldy nature of .50 rifles and very loud muzzle blast render them particularly unsuitable for criminal activities. We are not aware of any legally possessed .50 rifles having been used in any criminal capacity in the United Kingdom.

Indeed, the failure to mention that official UK statistics show that rifles feature in less than 1% of firearms crime which should be known to the authors of the consultation document (in the main poaching and simple unauthorised possession), could reasonably be considered misleading.

We also note the failure to mention the virtual lack of any criminal use of .50 rifles and absolute lack of terrorist use in the USA where such firearms are freely available (in many States including ammunition of an anti-material capability that is already banned in the UK) which would also indicate the impracticability of using such rifles in these activities that are raised as potential concerns in the consultation document which is again misleading.

(f) With regard to the cost of implementing the prohibition the Home Office has made a gross error of considerable magnitude.

The consultation document makes a simple statement that the value of these rifles lies between £3,000 and £5,000.

This is simply incorrect and again misleading.

Many of the rifles are far more costly than is indicated and the figure does not take account of the ancillary gear that would have to be compensated for including dies, cartridge cases, carrying cases, ammunition, projectiles, scopes if dedicated to this rifle, long range mounts and even some presses. The cost of such items in .50 calibre is considerably above that of smaller calibres. One member recently costed his equipment solely for .50 shooting at over £50,000 and probably considerably more.

The costing also does not include other firearms of over 10,000 ft/lbs muzzle energy that may be caught under the proposed ban.

The above would indicate that the Home Office has failed to "*Include validated assessments of the costs and benefits of the options being considered*" and is, again, misleading.

(g) Furthermore, on the financial issue, it would appear also not to have included the loss of income to the MOD/landmark. The FCSA currently pays £36,000 in range fees.

We understand that other clubs would also pay considerable fees to the MOD/landmark.

Such loss of income that has not been evaluated or included in the impact assessment.

The assessment has also not included a costing for businesses incurred through increase costs associated with the security arrangements for items that would now require Section 5 security.

(h) We also understand that many individuals who target shoot on field firing ranges stay in remote rural communities to attend such shoots providing income to local communities, restaurants, inns, B&Bs that will see a decline in use were such prohibitions to be brought into legislation.

This financial cost does not appear to have been considered in the "evidence base".

(i) The Home Office includes a costing based upon number of lives saved over a period of time indicating the number of lives that would require to be saved given their estimates of the costs to seemingly break even.

Firstly, no evidence base what so ever is presented to indicate how many, if any, lives would be saved were the prohibition to be implemented.

Secondly, two firearms groups are lumped together (MARS and .50) with no differentiation between them as to this issue.

Thirdly, given the gross inaccuracy of the cost estimates as detailed above, this component of the impact assessment is rendered meaningless.

The Home Office states in the "Benefits" section of the "Evidence Base" that "On average, there were 45 firearm related deaths per year between 2004/2005 – 2014/2015". This is misleading as the vast majority are not committed using a legally held firearm, even less so a rifle and there are no known civilian deaths attributable to a legally held .50 rifle, all facts that should have been readily available to the Home Office in its preparation of this proposal.

One of our members has prepared an evidence based assessment on this point. In this a reasoned argument is put forward that indicates that the prohibition of .50 rifles could take over 7,500 years to potentially prevent one death. Even this figure would require for it to be accepted that all calibres are equally likely to be used in such crimes, a proposal which, for reasons outlined, we consider highly unlikely.

(J) It is stated in the "evidence base" with regard to the .50 calibre rifle that "*this firearm can deliver a projectile over several miles which can pose a danger to public safety should it be used any criminal capacity*".

While a projectile fired at an elevation in the region of 30 degrees may theoretically travel some 7000 yards this is potentially only 30% further than a .30 projectile and less so than many other rounds.

The emotive statement, however, can be read as suggesting that the rifle has an elevated degree of accuracy at such a range which is completely inaccurate.

The maximum potential *effective* range of the .50 rifle is in the region of 2000 yards while that of a .338 could be considered in a similar region but with considerably more accuracy.

To shoot with any degree of accuracy at such distances, however, would require considerable training and skill, not only with regard to shooting but also interpretation of environmental conditions beyond that which would be reasonable to consider within the abilities of most criminals and terrorists

It is also noteworthy that other calibres have far better ballistic capabilities at longer ranges than the .50 rifle.

Not to have evidenced or qualified such an assertion with regard to potential “criminal use” (which we consider highly unlikely) and expanded on issues around the actual effective range of a .50 rifle with factual information the consultation document could reasonably be considered to be misleading.

(l) In the impact assessment the question is put as to “*what policy options have been considered, including any alternatives to regulation? Please justify the preferred option*”. In the consultation document effectively only two options have been considered.

The two options that appear to have been considered are to “do nothing” or to “prohibit” the civilian ownership of .50 rifles and now the ownership of any firearm of over 10,000 ft/lbs.

It does not appear that due consideration has been given to “*any alternatives to regulation*” as it would appear to have been the obligation of the Home Office, such as a requirement for increased security for the ownership of such rifles.

Why such an obvious potential option has not been included (or discounted) in the consultation document, particularly as it would have had a significant impact on the cost to the government, is unclear.

In failing to give consideration and evaluation of such an option the Home Office has failed to competently address the question “*what policy options have been considered, including any alternatives to regulation? Please justify the preferred option*”

#### **Further points to be considered**

(a) Further to the .50 calibre issues, the concept that all firearms over 10,000 ft/lbs muzzle energy are especially dangerous would appear to have no particular ballistic evidence base. It would appear that the “10,000 ft/lb” muzzle energy proposed limit merely represents a good *soundbite* rather than being evidence-based in a scientific manner

(b) In quantifying the “*benefits*” it is alleged that “*the size of calibre or the fire rate of these rifles is likely to mean that were used in a crime there is a significant risk of more deaths or serious injuries than if more conventional types of weapon were used*”.

This statement is made without any evidence base.

(c) The consultation document is skewed towards considering all .50 rifles to be of a design developed solely for military use. We have addressed this erroneous impression earlier with regard to the development of .50 rifles for target shooting which preceded the adoption of the calibre by the military.

The rifles designed for target shooting are comparatively fragile, slow to operate, many do not have a detachable or integral magazine, and those that do are limited to 5 shots.

Some target shooters have acquired bolt action rifles that are also happen to be used by the military. This, however, does not preclude them from also being used solely for target shooting.

A case in point would be the venerable .303” Lee Enfield, initially designed solely as a military firearm and now exclusively used as a target rifle.

(d) If the consultation has been expanded to include all firearms over 10,000 ft/lbs then this will encompass all the historic anti-tank rifles that have been developed between 1918 and 1945. In addition this will also include historic military vehicles equipped with a large calibre gun, field guns and artillery. These are all currently highly valuable collectable section 1 firearms, some are held as part of a collection and authorised to be occasionally test fired with live Section 1 ammunition for research or demonstration purposes.

This issue has not been considered in the consultation document or impact assessment.

### **Alternatives to prohibition**

We believe that there is absolutely no evidence based reason for there to be any changes made to the current legislation regarding .50 rifles or those with over 10,000 ft/lbs muzzle energy.

It has been difficult for us to definitively determine what has driven this proposed legislative change at this specific point in time.

During our meeting with the Home Office it was indicated that it was potentially related to the theft of a .50 calibre rifle that was subsequently recovered.

It has also been indicated that concerns (unattributed) had been raised that some terrorist organisation may seek to acquire such a rifle from a civilian source be that at their home or en route to a shoot.

While we have concerns about the viability of the misuse of such firearms by either criminal or terrorist organisations it would be appropriate to give consideration to addressing potential storage and transport security issues.

Various suggestions have been made and we consider the following is potentially appropriate and may possibly assuage the concern of the Home Office that such firearms may fall into the “wrong hands” and preclude requirement for a complete ban on .50 rifles or those over 10,000 ft/lbs.

We have proposed that a layered approach to security, taking into account the threat and risk, a proportionate response would comprise of the following actions:

- A. A requirement for the bolt to be stored separately from the receiver in a separate safe.
- B. That the residential premises in which a .50 or over 10,000 ft/lb rifle is stored has a monitored alarm system.
- C. When the firearm is being transported that the bolt remains, as far as is practicable, with the individual at all times, and separated from the rifle.
- D. When on the range, if the owner of the rifle leaves the firing line, that the bolt is removed and remains on his person or is secured within his vehicle.
- E. Range booking dates and locations will no longer be publicised on the website, these will be in a secure area for verified members only.

Such enhanced security options be included in the Home Office Guidance to the police and included as a condition on the individual's firearm certificate.

To take this line of enhanced security would reduce the perceived risks of such firearms falling into the "wrong hands", avoid the requirement for legislative proposals and action being taken to negate them and reduce the costs to the government while permitting the continued participation of target shooters in a legitimate sporting activity.

Consideration could also be given to requiring that all applicants for a variation of their FAC for a .50 BMG rifle to have held a firearms certificate for an extended period of time (such as two to five years), be required to be a member of the FCSA and be certified as having gone through a yet to be determined training syllabus on safe use and security.

### **Conclusion**

It is our view that the intention of the Government to place firearms with over 10,000 ft/lbs muzzle energy, which would include .50 calibre rifles, under Section 5 of the Firearms Act is not evidence based, will not enhance public safety, is unduly restrictive and has been based upon guidance that is both grossly inaccurate and misleading.

We believe that all legal avenues should be pursued to prevent the implementation of such legislation and the further unjustified restriction on shooting sports and it is our intention to do so.