

NRA Firearms Liaison Officer Iain Robertson offers some helpful advice about suitability to carry firearms and dealing with police cautions

The first privilege of NRA membership is: "The support of the NRA in all matters connected with target shooting".

One might reasonably ask what form that support might take, and one might reasonably expect rather more than emails saying, "We support you – honest". NRA staff, having been involved in problems on behalf of quite a few members, have

gained some expertise and a lot of experience.

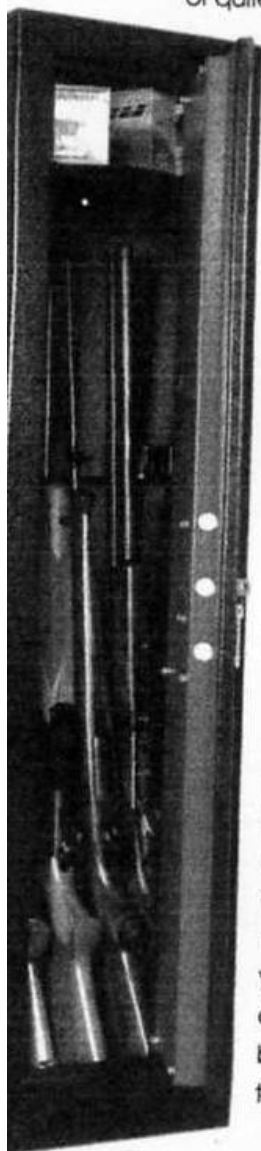
We help with briefing people in authority on the risks and legal issues around firearms. For instance, university authorities applying ridiculous conditions to clubs from a standpoint of ignorance. We assisted in resolving one case while a second, involving two police forces and complex constitutional issues at the university, is ongoing.

We regularly help with Firearms Certificate (FAC) applications. A first application can be daunting, and most members only deal with the forms once every five years. NRA staff work with applications on a daily basis. We can advise if there are difficulties with

your FAC application, including help with explanations of unusual circumstances. On at least three occasions this year, one telephone call to the FEO or officer in charge has allayed police concerns about the definition of or uses for certain firearms. Incidentally, all three of these involved S1 shotguns or long-barrelled pistols. The NRA is anxious to have such firearms, which are overwhelmingly used for target shooting, included in the Home Office Approval scheme both to achieve better regulation and to assist the expansion of the sport, and regularly makes that point to licensing authorities and the Home Office.

We help with advice if the police question your suitability to hold firearms. We are assisting in four cases where police have refused to renew a FAC or have sought to impose excessively restrictive conditions. These are all protracted matters – frequently the police wish to see a period of no arisings of the activity that concerns them – and we have not yet seen any of the four to a conclusion.

One of the commonest causes of questions about suitability to hold firearms is depression and the drugs to treat it. Some police forces have an inflexible position that such diagnosis or treatment is automatic grounds for seizure of firearms. All police forces have concerns. I am told that one of the major issues is that suddenly stopping a course of anti-depressants without medical approval can lead to quite startling side-effects in the short term. In one case a member sensibly contacted us before commencing treatment for



depression, and we brokered an arrangement where the firearms were transferred to a club, the member voluntarily surrendered their FAC (thus avoiding any possibility of collecting a revocation), carried on shooting at the club under the privileges of Home Office Approval, and anticipates little difficulty in having the FAC reissued once the treatment is completed. A sensible discussion gives the police confidence that despite difficulties they are dealing with a responsible person who can be considered safe to hold firearms.

We help with advice and act as the point of contact for the NRA Members' legal expenses insurance. It is unfortunate that just about any complaint to the police against a firearms owner creates a risk of seizure of firearms. Complaints can happen to anyone. Recent experiences suggest they commonly stem from indirect consequences of one or more of: family difficulties; involvement with social services or mental health staff; social disagreements that lead to neighbours or co-workers acting through ignorance or malice. On at least two occasions, constables attending a completely unrelated matter have diverted their enquiries to issues with firearms. In only one of the last eight or so cases that we know of has a firearm actually been involved in the event that triggered the police action.

Any advice I offer must be qualified by the observation that it may be worth what you paid for it and that it is no substitute for the advice of a legal professional. However:

- Take care how you use language when talking about your shooting. Many people are ignorant of firearms and the law relating to them and have attitudes coloured both by Hollywood and media sensation. It is the way they interpret what you said that matters, not the way you thought you expressed what you meant. It is all too easy, when discussing capability, to give an impression of intention to use that capability.

- Keep a copy of the current version of your FAC, somewhere well away from the FAC itself.

– If you are heading into a major family upset such as separation, do consider moving your firearms out of your home. Similarly if dealing with irrational and challenging neighbours at a legal level. Particularly if you do this surreptitiously, many false complaints will then rebound when the police investigate – as they are almost certain to do.

– Fit a door viewer. If you are alone at home with firearms out of cabinets, do not let anyone, especially the police, in until you have secured the guns and all the ammunition. Two very difficult current cases turn on this precise point. Remember that under the Firearms Acts your family are probably "unauthorised persons" who you must prevent from accessing your guns.

– If the police seize your firearms, don't panic. Even though they will turn up in force, remember that you are still in some control as long as the cabinets are locked. Politeness keeps things calm and slows events down which makes it easier to keep track. Establish what exactly the issue is – are they seizing your firearms under their general powers to protect life and keep the peace, or are they doing it alongside revoking your FAC? In at least one case firearms were seized because someone had threatened to steal them. Get a witness if at all possible. Do things methodically. Make notes. Take photographs. Insist on receipts. Call your solicitor if you have one, then call the NRA at the first practicable moment.

– The NRA legal expenses insurance may be available if your FAC/SGC is revoked or if the police refuse to renew it. Although only two cases reached court in the time I have worked at the NRA, lawyers and specialists paid through the policy have also succeeded out of court. For instance,

the side-effects could indeed be bizarre and result in behaviour where one would certainly not want the patient in possession of a firearm, our consultant pharmacologist argued that as the patient had been taking the drugs for years with no such effect and was now on a reduced dose, the chances of side-effects were essentially nil.

If you find yourself dealing with the police as a suspect:

- Don't panic. Say the minimum. Get legal advice. In particular, DO NOT accept a caution if you are arrested – a caution is an admission of guilt to a criminal offence, it cannot be appealed, and in many cases it is more-or-less automatic grounds for revocation of your FAC. The police are required to warn you of the potential consequences of a caution, but sometimes forget. This may be genuine – they regularly deal with low-lives who have multiple encounters with the law, and miss that while one more caution to such a person is irrelevant, going from no police record to one caution can

be catastrophic for an honest citizen. One current case is all but impossible of recovery because the member accepted a caution in order to get out of custody to deal with the original crisis.

We help with other legal matters arising from firearms, most recently as an expert witness in a charge of failure to observe the security conditions of a FAC – a member home alone with guns out of cabinets when the police turned up for other reasons. Had we lost, it would have had serious implications for all FAC holders. However, there is an important lesson. The statutory condition 4a on a FAC requires firearms to be secured “as far as reasonably practicable”. The interpretation is that security is applied to the practical limit. It does not mean “as is convenient”. So, when you get home, lock the guns up at once unless there is a need not to.

Given current social, political and media attitudes and the sometimes deserved criticism of the police following recent firearms atrocities, it is no surprise that they tend towards a strict interpretation of the law, thus an increase in the occasions when they err. Some are good at acknowledging error, most need guidance to return to reasonableness. A big part of my job at the NRA is assisting members in applying that guidance. If you have a problem of the type I have been describing, please call as soon as you can 01483 797777 ext 154, auto-forwards to my mobile phone out of hours. ■