

TWENTY-FIRST DAY.

TRIBUNALS OF INQUIRY (EVIDENCE) ACT, 1921.

TRANSCRIPT OF PROCEEDINGS  
AT THE PUBLIC INQUIRY

into

INCIDENT AT DUNBLANE PRIMARY  
SCHOOL on 13th MARCH, 1996

before

THE HON. LORD CULLEN

on

WEDNESDAY, 26th JUNE, 1996.

within

THE ALBERT HALLS,  
DUMBARTON ROAD, STIRLING

.....

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.....

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APPEARING:- THE LORD ADVOCATE (The Rt. Hon. The Lord Mackay of Drumadoon, Q.C.), Mr. IAN BONOMY, Q.C., Advocate Depute, with Mr. J.C. LAKE, Advocate, for the Crown;

MR. C.M. CAMPBELL, Q.C., with MS. L. DUNLOP, Advocate, for the families of the deceased children, the families of the injured children, the children absent from class, Mrs. Harrild and Mrs. Blake;

MR. A.T.F. GIBB, solicitor, Edinburgh, for the representatives of Mrs. Mayor (deceased), and the Educational Institute of Scotland;

MR. M.S. STEPHEN, solicitor, Glasgow, for the Association of Head Teachers in Scotland, and Mr. Ronald Taylor (Headmaster);

Mr. M.S. JONES, Q.C., for Stirling Council and Others;

MR. J.A. TAYLOR, Solicitor Advocate, Edinburgh, for the Central Scotland Police;

THE DEAN OF FACULTY (Mr. A.R. Hardie, Q.C.) with MR. G.C. KAVANAGH, solicitor, Hughes Dowdall, Glasgow, for individual officers of the Scottish Police Federation, and Lothian and Borders Police.

.....

I N D E X.

	<u>Page.</u>
Statement read by Mr. Lake.....	4
ROY CAMERON,	
Examined by Mr. Bonomy.....	6
Cross-examined by Mr. Campbell.....	47
Cross-examined by Mr. Taylor.....	57
Re-examined by Mr. Bonomy.....	63
GRAHAM BENNETT,	
Examined by Mr. Bonomy.....	63
Cross-examined by Mr. Campbell.....	80
Cross-examined by Mr. Gibb.....	81
Cross-examined by Mr. Taylor.....	83
Re-examined by Mr. Bonomy.....	90
TERENCE McCARTHEY,	
Examined by Mr. Bonomy.....	90
Cross-examined by Mr. Taylor.....	111
Re-examined by Mr. Bonomy.....	112

WEDNESDAY, 26th JUNE, 1996.

TWENTY-FIRST DAY.

LORD CULLEN: Mr. Bonomy, I think we are without Mr. Jones today, so you can proceed.

MR. BONOMOY: Thank you, sir. I have had brought to my attention a witness who claims to have been abused by Hamilton. This is the first such evidence that has come to light. He is unwilling to be identified. I have given anxious consideration to the question whether an anonymous written statement of his evidence should be read to the Inquiry. The view I have formed, with some hesitation, is that that is the appropriate course in the circumstances, albeit it is not an ideal course. I also consider it appropriate to advise the Inquiry that there are certain matters mentioned in the statement peripheral to the meat of the statement that one might expect would be corroborated by independent evidence. Efforts have been made to try to corroborate that without any success.

You should also be advised, sir, that the witness has in the past been convicted of a serious crime of dishonesty.

That is a full account of the background, and with your leave, sir, I propose to invite Mr. Lake to read the statement.

LORD CULLEN: Yes -- Mr. Lake?

MR. LAKE: This is the anonymous statement -- "When I was about 12 and living at home I attended a Boys' Club called the Rovers Group at Bannockburn High School, which was run by Thomas Hamilton. I think I got to know about it through certain leaflets that came through the letter box. I attended that for about four weeks. I remember that on two occasions we got to shoot guns at the Club in Dunblane. This Club wasn't at the school but in a hut on the other side of the dual carriageway. We shot with real rifles with bullets, not pellets. Hamilton picked us up and took us to Dunblane. We once went to the High School/

School in Dunblane and joined in with that Club. It was a gymnastics Club.

"When the summer came, a trip was organised to go and stay on a boat. I got permission to go to it and Hamilton sent a letter home setting out the details of the camp trip, boat, how much money we needed etc.

"The holiday was to last for about a week or a week and a half and we were staying on a cabin cruiser on Loch Lomond. There were about eight boys of my age involved. The only boy I remember being there was my sister's boyfriend. I don't know who the other boys were but we were all specially chosen from the Bannockburn Club.

"One day I remember that I was particularly frightened because Hamilton was tying a rope round us, one at a time, and throwing us off the side of the boat and then pulling us back in. I cannot now remember what the purpose of this manoeuvre was, but I remember being very frightened and I refused to take part and pretended that I was ill and stayed in the cabin.

"That night I was told to report to his cabin. The boys all slept together at the back of the boat and Hamilton slept in his own cabin. I eventually went in. I only had on my underpants. He had a sort of telescopic pointer device which you would use to point to a map or a chart and he was pointing this at me and he told me that I had better behave. He began to touch me between my legs and my private parts and I was very scared. I started to cry.

"He told me to stop crying or I would be hit with the pointer. While all this was going on he was only dressed in shorts. I was then told to lie down on his bed and I was lying facedown. He started to push his fingers into my backside. By this time he had his shorts off and his penis was erect. He was rubbing it. He was also stroking my back and asked if I liked it. At one point I was crying and he banged this pointed device down at the side of my face. It didn't actually touch me, but hit the pillow. I lay there frozen stiff with fear. He then told me to stand up and face the wall and again he ran his hand up and down my back and/

and he was breathing heavily.

"I was then allowed to go. I was terrified, and then the next day I phoned my mother and asked if I could come home. All I did was to tell her I was homesick. I couldn't tell her what took place. I came home at the same time as everyone else. It was too far away for me to come home early. He didn't touch me again during the period of this holiday although I was very frightened of him.

"I can't be more specific about the year this happened. I do remember though that the boat blew up about a week after the trip.

"I do agree, however, that what he did to me should be known about. It has affected me badly and has always troubled me."

ROY CAMERON (49), Sworn:

EXAMINED BY MR. BONOMY: Are you Roy Cameron? - I am, sir.

And are you presently the Chief Constable of Dumfries and Galloway Police? - That is correct, sir.

I think you are also Chief Constable designate of another Force? - That is correct -- Lothian & Borders Police, sir.

When do you take up that post? - The 6th September this year.

What age are you? - I am 49 years of age.

How long have you been a police officer? - 30 years' service.

Can you take us through your service, please? - Yes; I started as a cadet in Dumbartonshire; followed that with beat duties in Dumbartonshire Constabulary; was promoted sergeant fairly/

fairly early in service and covered a range of patrol and administration duties. I had a secondment to the University about that point, returning to a range of operational duties in Strathclyde Police in 1975. In that capacity, I served various roles as a sub-divisional commander, a divisional commander, through all the ranks to Chief Superintendent. In 1990 I was appointed Assistant Chief Constable. At that time I was responsible for personnel and training, and also an operational role on a regular basis as the Assistant Chief Constable. I changed course within Strathclyde in 1992, and in that capacity was responsible for management services which embraced research and development administration, and continued operational duties. Within that range of experience, I have had on occasions direct line management of firearms administration and enforcement as a Chief Superintendent and Assistant Chief Superintendent. Since the 1st May, I have been Chief Constable of Dumfries & Galloway Constabulary, and in that capacity have a general over-sight for firearms regulation and control within the Force, including direct involvement in decisions on revocations and refusal.

The 1st May which year? - The 1st May 1994.

You are also the Chairman of a body known as ACPO S; can you tell us what that body is? - Yes, I can. I am Chairman, but the titular designation is National President of the Association of Chief Police Officers in Scotland, and that is a professional and consultative body that represents the eight Scottish Police Forces, and has a role in relation to policy formation and deliberation across a wide range of operational and other issues affecting the police in Scotland, and we have close links with the other Staff Associations, the Scottish Police Federation, representing the federated ranks, and Superintendents Association, and close involvement with like national bodies in England and Wales.

What ranks in the police are members of your body? - The ranks as such are Chief Constables and Assistant Chief Constables, and those Assistant Chief Constables who are designated as deputies. Prior to the 1st of April 1995, they had the/

the rank and title of Deputy, but the rank itself was abolished as a result of police reforms that year, although the job title still remains and the post still remains.

And which ranks are members of the Scottish Police Federation? - The Scottish Police Federation covers those ranks from Constable to Chief Inspector.

And I take it in the middle of the sandwich we have the members of the Association of Scottish Police Superintendents?  
- That is correct.

A submission has been made to the Inquiry jointly by these three bodies; is that right? - Indeed.

And it is a very full submission. It is accompanied by a very helpful summary and some annexes. I am not going to ask you to tell us what is in your submission which is available for all to see. I just want to get the frame-work of this submission clear first of all. Did all three bodies agree on everything in the submission? - Yes; this is the shared view, the consensual view of the three Staff Associations of Scotland, representing all the ranks of the Scottish Police Service within the hierarchy earlier described.

The Federation, Superintendents Association and ACPO S jointly agreed the submission. There is total support for the recommendations therein. Readers of the evidence will have noted slight nuances where different opinions were expressed about how certain recommendations might be achieved, primarily in relation to the area of appeals but in terms of the care recommendations and the consensual view, that is the unanimous view of the three Staff Associations.

What I do want to ask you about is some practical issues that arise not just from your submission, but from other submissions in relation to the administration of the firearms licensing system, and I think the best place to start that exercise is by looking at another document we have had some evidence about called the Report on a Thematic Inspection of Police Forces. Do you have a copy of that? - If I could just clarify we are speaking/

speaking to the same document -- this is Her Majesty's Inspector of Constabulary Draft Thematic Inspection and Administration of the Firearms Licensing System 1995 draft dated April 1996?

What the Inquiry has seen is a draft dated 8th February 1996, and what you are confirming is something that we have had a hint of already, that there have been certain amendments made to that? - If I could comment, there was, as I recall, an earlier draft, and it would be my understanding that comments would be made on that earlier draft, and that may be reflected in the second draft. It has had no formal route through the ACPO S consultative process I described earlier, but certainly there was a previous draft, and this is an amended version.

Can/

10.20 a.m.

Can you confirm that there are no significant amendments to it? - The only amendment I would call to attention as significant would be really in relation to the counter-signatures or counter-signatories, rather. My recollection, sir, is that there was a view that in the original draft, those who have read it might remember that the counter-signatories it was suggested should be discontinued. In the present, April draft it mentions it should be reviewed. Such view I would add is consistent with the views expressed elsewhere about the perceived current value of counter-signatories in terms of current practice. The only significance is in relation to the change in words. I cannot comment on what the intention might be behind the change.

MR. BONOMY: Sir, I have had some enquiry made into the status of the draft before the Inquiry in view of what Mr. Taylor said at the time about thinking it was at the printers. You, sir, now have a copy of a police memo dated 19th June, 1996.

LORD CULLEN: Yes, I have that.

MR. BONOMY: That is as a result of that enquiry. Detective Chief Inspector Robertson gave evidence to the Inquiry about the investigation he was in overall charge of in relation to firearms and licensing of firearms to Hamilton. He was asked to take a position on this, and he has reported that there are certain amendments in an updated draft. These are all spelled out. The one Mr. Cameron is referring to is particularly mentioned on page two of this report. At the top of the page you will see in italics the two separate recommendations highlighted.

Now, sir, I also have the fresh draft of April, 1996, which you may not yet have, and I can give that to the Bar Officer. I am advised that your report covers all the amendments.

LORD CULLEN: Thank you.

EXAMINATION CONTINUED BY MR. BONOMY:  
Now, there are three matters arising out of the thematic/

thematic inspection report I want to ask you about, and I want to ask you about the practical issues or difficulties concerning matters: do you understand? - Yes.

One is the encouragement towards civilianisation of the Firearms Administration Department, the second is the encouragement towards postal renewal of firearms certificates and the third one is the idea in the original draft now modified of initially abandoning and now reviewing the position of counter-signatories: do you understand? - Yes.

Taken together, these suggest a sort of slackening of the overall approach to licensing of firearms throughout the country. Now, is that a fair summary of the attitude that was prevailing prior to the incident at Dunblane? - If I could comment, sir, I think it would be fair to set both these drafts in a broader context. The thematic inspection as I interpret it is in fact a good practice review of Firearms Administration against previous good practice recommendations dating from a Home Office circular of 1991, which is in fact listed in our appendix of evidence. We identify that document there. I am not aware, sir, that in fact the Tribunal is privy to this first submission, but if it is helpful, it is the report of the Working Group on the administration of firearms licensing system, issued by the Home Office in November, 1991. I think that sets a climate of good administration practice which Forces have been encouraged to pursue since that time. Now, in my own experience I have had criticism from certificate holders and those with interests in firearms for failing to implement certain of these good practice recommendations vis-a-vis the proposal and renewal: but I think you have to set it in that climate, and if there is a perception of a removal away from more rigorous regulation then that pre-judges the report from HM Chief Inspector of Constabulary.

What you are suggesting I think is that if that is perceived as a sort of slackening of the system then what we should bear in mind is that the police are simply following the guidance they got from the Home Office? - I think that is the encouragement. It would be fair to say in this instance in relation to one of the things you wish to/

to focus upon, postal renewal, that within the Scottish Forces there has been some reluctance to pursue that innovation, especially in regard to the renewal of firearms certificates.

The Inquiry has heard so far references to the Home Office, a policy in relation to the administration of the firearms licensing system, and that was updated in 1989? - Yes.

Can I take it that is guidance that applies throughout the UK, and that there is no separate Scottish guidance? - There is no separate Scottish guidance, no.

So in that document and the one you have referred to we are looking at guidance which is expected to be followed throughout the UK? - Yes, that is correct.

BY LORD CULLEN: I think the 1991 document you have just referred to is the one referred to in 1.3 of the thematic report, in paragraph (ii)? - Yes, sir.

LORD CULLEN: I think probably by now I have accumulated all of the documents referred to in the annexe. Perhaps I can say at this point that it is my intention to make known to parties a total list of documents that have become available to me. When it is published you can know exactly what my library is.

MR. BONOMOY: Thank you, sir.

EXAMINATION CONTINUED BY MR. BONOMOY:  
Let's take the one you have identified yourself as not meeting with full support in Scotland, and that was the idea of postal renewal. Can you tell me first of all what you perceive as the disadvantages of postal renewal? - Again, it is not the case that there is a recommendation that there should be a blanket approach to postal renewal. The question is, where there is no change in individual circumstances in terms of the reason or the firearms held then there was a feeling it was unnecessary to have a home visit unless something was revealed in the application form or in our knowledge at that time: so it is not an absolute blanket. Having said that, whilst several Forces have progressed, as the/

the law stands in relation to shotguns most of us have been reluctant to pursue it in regard to firearms, because we think it is essential to continue to have as many home visits as are possible in order to complement the quality of the enquiry we were making. Of course, it will perhaps be known to the Tribunal that there is no distinct power of entry for a home visit or to examine shop premises. I think there is an assumption this power exists, whereas it does not. We feel in short, sir, that it has a potential to reduce the quality of the enquiry you would make in the interests of public safety, and in the interests of applying the regulatory aspects as opposed to the administrative aspects of firearms law.

We are likely to hear in due course that attempting as a psychiatrist or as a psychologist to forecast violence or forecast mental disorder is if not impossible almost impossible. These things can happen, changes in personality and in mental condition can happen, at very short notice. Do you think it is a good idea to take such opportunities as are available to make contact with holders of firearms certificates? - That I think would be not only my view but a widely-shared view within the Association of Chief Police Officers.

Now, if you reduce the opportunities for this to occur by extending the life of firearms certificates from three years to five years, as has occurred, does that not make it even more important that when the renewal does come up contact should remain with the individual applicant? - Yes. I think that is fair comment. It is difficult to reconcile the notion of regulation with a time span of renewal of five years allied to postal renewals. Even if there is the odd sampling type visit, that is quality control. Conceivably, then, in the extreme case someone could go through a lifetime of firearms possession without any form of physical check of the home. So our view, from looking at the current state of the law on administration, we would argue we should be resuming a yearly cycle of renewals.

Do you see any advantage in extending the life of a certificate from three to five years? - I see a disadvantage, if we regard the primacy of public safety, and that is, to refer back to the initial/

initial point, it is reducing an opportunity for contact, it is reducing an opportunity for inspection and enforcement.

Do you have a view on whether it would be a good idea to reduce the life again from five years to some shorter period? - I believe in terms of our recommendations we should be reverting to three years, and I think in any review of firearms there may be scope for some consideration in particular instances as to whether it needs to be less. Certainly our basic recommendation would be to revert to three years.

Do you still adhere to the view that postal renewals might be okay for shotguns, which we have heard some evidence can be just as lethal as firearms, depending on the circumstances? - I think it is anomalous. I think within the terms of the law as it stands there are differences in standards with regard to good reason, even in regard to the basic qualifications.

We would bring shotguns on to the same standard as firearms. We would see there being one certificate and unification of the law in regard to both categories of weapon, so that there would be a firearms certificate, and the administration regulations would be standardised throughout. Ergo we would be saying postal renewals and five year renewals would be inappropriate at the moment.

Let us assume this could be a bit beyond the issues arising at this Inquiry, and there were still two separate types of certificate. Would you be of the view that postal renewals should not apply to either? - That would be our view as an Association, and indeed the unanimous view of the three Associations.

The second item of the three in the thematic inspection report I would like to deal with was the question of counter-signatures, where the recommendation was obviously towards abandoning counter-signatures. Do you think the alteration in the stance of Her Majesty's Chief Inspector is anything to do with the incident at Dunblane? - I don't think I can comment, sir, as to what was in the mind of the Inspectorate.

So/

So it is not as if it was discussed in any discussion that you were privy to? - As I stated at the outset, sir, the document is a draft, it has had no formal consultative line at all within the Association at this stage.

Now, counter-signatories are supposed to be people that one might place some reliance on; is that fair? - I think, sir, that that was the intent, but I think we would argue that by extending the definition to include -- I think I would quote correctly "Persons of similar standing" then that leaves the issue open perhaps to a wide interpretation and perhaps a degradation of the....

I take it there is some advantage in having counter-signatories to a form? - There could be, but as practice had emerged, for many years it has been recognised that the counter-signatory system needed to be reviewed.

Now, do you consider that there should be counter-signatories? Let's leave the quality aside for the moment? - Yes, I think as a principle the fact that an individual is applying for possession of a weapon, there ought to be a reference system for that individual, including some form of counter-signatory.

Does that help the police in checking up on the character of the individual who is applying? - If a counter-signatory has a proper and full role in the process of vouching for them that can be a much closer reference than has been the case hitherto, and a clearer reference.

Does that mean we have to have some sort of formula defining the qualification of counter-signatories? - Yes. We have suggested it has to be someone well-known to the individual and someone who has known them for a minimum of five years; and we think in that way if there were appropriate guidelines in relation to their role and duty in relation to the process it would be a helpful measure.

What about the standing of the individual? - I think it has to be someone who is of good character in the community, so I think we need to look at the criteria, and how that is defined./

defined. I think as I have described earlier, it certainly has fallen into some disrepute.

BY LORD CULLEN: What do you see as the general objective of counter-signatories? - The objective would be to perhaps allow another line for behaviour in an individual in relation to their wider character. It would be another check, another balance within the system at the point of grant and renewal that would be of assistance to us as part of that enquiry. The individual is coming to the service as potentially an anonymous applicant. There can be records checked. It might be that in having a properly constructed reference process involving medical information, involving character references, in the same way as you would validate someone for an occupation or for some other form of serious licensing that would be a better reference.

Leaving medical matters to one side, what you are talking about is some form of collateral check on a person who is of himself of good standing but can be rather more positive in his approval or support than is presently required? - Absolutely, sir.

Would you favour that such a person should have himself or herself no firearm certificate? - I have no view on that. I think that is a point to look at, but I think the overall character of the individual, the fact they have a good knowledge of the applicant and can actually fulfil the role of reference, hopefully, is an important criterion.

That is looking at someone who is so to speak outside the shooting scene. That is not why he has been chosen. It has also been suggested to me, however, that perhaps there should be two counter-signatories, one of whom might be able to stick strictly to, if you like, the characteristics or character of the applicant, or who know the applicant from a shooting point of view. Have you any ideas about that? - I am sure that would be helpful. It may be helpful in the sense of giving a little weight to the information available to someone who is a member of a club, for example. I can see the possibilities of that. It would give a professional, informed view of that individual's general safety, perhaps.

EXAMINATION/

EXAMINATION CONTINUED BY MR. BONOMOY:

Can you help a little more on how you define the qualifications of that person? "Good character" is in itself a very vague expression. It doesn't pin down the qualification very well? - At this point frankly I am not sure I could be of much more help than that. I think this is a point we have raised, and I think it is one that calls for careful reflection, in the light of cumulative experience. We have made specific recommendations in principle, someone who is known to the applicant for at least five years and can vouch for them, someone of good standing within the community. I know that raises all sorts of problems with definition. I wouldn't pretend at this point to elaborate greatly on that, other than to make the point I think it is a valid suggestion.

In practice do the police officers check on the counter-signatories? - According to the good practice guidelines at present there is no encouragement to check up on counter-signatories other than in exceptional circumstances. Most Forces will have some kind of check on the counter-signatories, but the advice given in the good practice note does not in fact indicate that it is necessary in every case.

You would have a problem if you had a plausible applicant supported by a plausible counter-signatory, neither of whom shows up on any of your record checks, who are both very articulate and persuasive people, would you not? - That is a problem. That is a fact of any licensing system we could design.

I am thinking of this present case at the moment when I pose that question? - Yes, there is a practical difficulty, if there is no tangible, transparent, verifiable evidence then there is a grave difficulty in taking any form of regulatory control.

I suppose that is why we have at the present time categories in Scotland such as a JP or a minister, on the basis that perhaps because you could not keep checking up on counter-signatures you need some sort of touchstone for the counter-signatory to start with? - Yes, I wouldn't dispute that. I think the question is how genuine a role such/

such people although of good standing can actually fulfil in relation to the applicant.

Now, the third of these issues you mentioned in regard to the report is the matter of civilianisation. Has that so far as it has occurred to date been a good thing? - I think there are benefits in civilianisation. If I could focus on the thematic experience, that urged Forces to progress civilianisation of firearms registering and as much enquiry work as possible, but there are caveats in relation to who would be responsible for supervision, etc.

I think civilianisation has brought expertise and consistency to this process. I would strongly argue that in my own experience in my own Force that the acquisition of experienced firearms field officers has brought a level of experience and expertise to the process that we did not have before. That has to be balanced against a context where there is some adequate police line management, in my view, with powers of supervision and decision-making in some of the more complex issues that might arise with regard to the suitability of an individual.

10.40 a.m.

I will come to that line management issue in a moment. One difficulty or one perhaps weakness that was identified by one witness earlier was that civilian firearms officers might not have the enquiring technique of a police officer and perhaps not get essential information from the applicant. Now, do you see a disadvantage there in engaging civilian firearms officers? - I think, sir, if I can first make a comment. I think there is a counter argument that it is easier to be duped by an individual applicant if you have no knowledge of firearms. I think that is an issue. If you send someone untrained and unaware, who may have investigative abilities but who has no technical knowledge of firearms, then that person I think is at a disadvantage in dealing with the information he receives and being able to evaluate it. I therefore believe that provided someone is given sufficient training, the process I do not think is a complicated one. I think there are issues that need to be resolved within it but so far as firearms are concerned, the categories of person who should not be getting one are fairly clear cut. The difficulty arises always where that person is outwith that particular loop and you have no collateral and I would say it would be problematic for a police officer to have any greater skill in eliciting that if it cannot be substantiated.

So you see advantages in having civilians that outweigh any possible disadvantages? - I think, sir, there are advantages in engaging civilians giving a balanced approach to the administration and enforcement issues.

Now, looking at the question then of the line management. Assuming for the moment that the investigation carried out by the Department and the day-to-day administration of the Department is in the hands of civilians, what supervision do you see as necessary for these civilians? - My personal belief, sir, is that given that it is the Chief Officer of the police who has responsibility for the Act, there will still be very clear line management at senior level over the firearms function and that can vary from Force to Force depending on the scale of operations. In my situation, I have a Superintendent who has over action control of the firearms function with a sergeant and direct line management/

management of the group who deal with the matter and if there are problems then there is joint discussion on the issues up to Chief Officer level. That is how I do it and I am not saying that is an ideal but it is a method we use.

Do you have a civilian firearms examiner? - Yes, we have two, sir.

So your own structure envisages investigation by civilians but supervision by police officers? - Yes, and if that civilian has a difficulty.....they are mature people and if they have suspicions aroused or if there is something they are uncomfortable with then they would liaise with their police officer counterparts and further enquiries would be made.

What about the suggestion that unless there is a difficulty identified the civilian firearms officer should have the power to make the decision? In other words, grant the renewal? - I think in effect, sir, that is what is happening. They are the individuals who have conducted the enquiry. They have the knowledge and de facto they are in full possession of the facts to make that decision and I don't see a difficulty with that in relation to renewal of Firearms Certificates because I think it acknowledges the reality of what is happening but I think there has to be a good linkage within that for the grant of certificates. I think that is a very important step in the process where, in my view, there should still be a police involvement. I think there is scope for looking at whereinafter there needs to be an actual physical signature on a certificate by a chief police officer.

BY LORD CULLEN: You said the civilians have the knowledge and they have the facts. What does that pre-suppose about the weight of the information which is actually given to them at the time when or shortly after they make their enquiries? - Well, if the enquiry is being conducted on the basis of what has been seen as good practice, if they are trained and if the individual has completed the form accurately and if the counter-signatory side of it can be better addressed, then with the antecedent history they should have acquired, and there is a set process for that/

that through record checks and through criminal intelligence checks, the individual who is an obvious problem will surface. The difficulty is always there, sir, where there is no transparent difficulty. There is no identifiable issue in terms of previous conduct, in terms of previous convictions or whatever. Whether there is a police officer or a civilian involved in that situation, if nothing is surfacing then it is very, very difficult to say.

I understand that but your answer presumably presupposes that all information available to the police in whatever form is available to the officer conducting the enquiry, is that right? - Well, the process should allow for that in relation to firearms files that have been built up. If it is a renewal or on the basis of the type of enquiry that is conducted locally, relevant information ought to be capable of being absorbed within the loop of that enquiry.

But if in effect you see enquiry officers being civilians and taking decisions effectively, that must mean that they are placed in possession of all the information which is accessible to the police? - Yes, sir.

EXAMINATION CONTINUED BY MR. BONOMOY: Do you see any disadvantage for the police if the actual investigation of firearms enquiries be carried out by civilians and then perhaps police officers perhaps lose contact with the subject? - A disadvantage with the police losing contact with the subject?

Yes? - There is a possibility but not very many police officers in the modern age have the level of training or expertise to actually conduct a technical enquiry in relation to firearms. In relation to for example establishing what is good reason. There is a real difficulty with that. If someone says they require a particular firearm for a particular reason, given the range of hybrid weapons and different types of weapons used and the type of sports that have emerged, I think there is a case for somebody with technical knowledge to deal with that and not very many police officers have that and if you train police officers, with the turnover involved in a police career, that expertise is likely/

likely to be lost in the modern age.

Do you see perhaps an advantage, though, in, at the end of the investigating process, a senior officer, a very senior officer, having to make a decision based on all the information that is available to the police about the applicant? In other words, sitting down with the complete historical police file and the result of the current investigation and applying his experience and judgment to all of that rather than leaving it to a civilian who is simply engaged to carry out the technical function of examining and enquiring into a firearms applicant? - Well, within the balance of management I would argue, sir, that that should be happening. In some Forces the Deputy Chief Constable will sign certificates. In others, senior officers are used and it is alluded to here, a facsimile stamp authorised by the Chief Constable who will initial it. But he is reviewing the file. There is an issue there about whether that is appropriate or whether he should sign the certificate at the time of grant and then my own belief is that it should be a very careful decision with police involvement. I think when there has been no change in relation to the renewal stage, that raises different considerations as to whether that requires a police officer's involvement at that point. But I see no difficulty with the point you make, sir. All I am trying to register here is a question of balance.

Yes, you perhaps didn't mean to put it this way but one of the things you did say at the beginning of that answer was your experience shows that senior officers are signing certificates. Now, we have had evidence in the Inquiry of certificates being signed where that is the only thing the senior officer has in front of him. Now, what I am proposing to you is a situation where the whole history plus the result of the current Inquiry is before that officer who then applies both his experience and his judgment before allowing even the renewal, which is effectively a re-grant? - Yes.

Now, do you not think first of all that from a commonsense point of view that should happen and secondly that it is necessary for public confidence? - I think that is a point that requires to be reviewed. I think the issue of a certificate/

certificate is an important decision and I am not saying that the police should be excluded from that. All I would say to you, sir, is that from Force to Force practices may differ according to structure.

Well, we know that in recent times consideration has been given to setting up a Firearms Control Board and that the idea has been fully explored and has not been implemented. Are the police comfortable with the function of dealing with firearms licences? - Yes, I believe we are comfortable with the function. I believe it is a responsibility for the police and the Secretary of State as appropriate to continue to be responsible for the Firearms Act. I think there are issues underlying that where improvements could be made but that would stray into the evidence we have presented but I think it is quite clearly something that we should manage. I think even if you had a Board, sir, there would still be a requirement for local police involvement in the process and I think that was well rehearsed in the Home Office Study in that respect a few years ago.

One of the things that is said in the thematic inspection report at paragraph 1.8 is "Many members of the shooting public object to the fact that their pursuit of lawful sport or hobby is governed by Acts of Parliament which along with involvement of the police in administrative procedures are seen as placing too much emphasis on the criminal aspects of firearms use at their expense". Now, is it the police experience that there is any resentment towards them from the shooting public because of their involvement in the administrative process? - I think there is activity and lobbying by shooters who have a particular perspective on the use of firearms and that can manifest itself individually or as representative groups. I have had personal experience when I have made decisions of having complaints from individuals or from shooting lobbies about actions that have been taken within the Chief Constable's discretion. I think there is an active group of people there who would perceive they have a legitimate interest in sport and other life activities and that is articulated in active group.....

Yes, but overall do you think that there is/

is a good relationship between the police and the shooting public? -  
I think there is a good relationship. I think we strive to maintain a reasonable liaison with shooting interests.

Well, is that respected by the shooting interest in your experience? - I think in general, yes. In specific cases there will always be opposition to what we do.

Now, can I take you into a different area which is also dealt with in the report and I really want to try to get some specific factual information from you and that is the area of the use of technology? - Yes.

And we have heard reference on a number of occasions at the Inquiry to a Scottish Criminal Records check or an SCRO check? - Yes.

Now, what is the SCRO? - The SCRO is the Scottish Criminal Record Office. It is a service which covers the eight Forces in Scotland and provides a criminal history file, fingerprints and it is a database which serves the local requirements of the Scottish Police Service. It links into that development in England and Wales but in simple terms it is a criminal record database.

Is it centralised? - It is centralised, yes.

If I am an officer in England and I am doing criminal record checks, will that check take in the Scottish system? - You could do a check with the Scottish Criminal Records Office specifically but there is no database link as such. The PNC would cover certain records of an individual but the SCRO is the Scottish link. It is linked with Phoenix which is a system which is emerging from England and Wales and I think as technology evolves it will be a joint link.

At the moment if you are an English officer and you want to know about Scottish records you ask Scottish Records specifically and does the same apply in reverse, that if you are a Scottish officer and wanting English records you would have to go to the English Records Office? - You could ring up through the SCRO to have that.

Is/

Is that a check with English Records or is it the Police National Computer we are talking about? - It is being built up on a database with Phoenix. That is the English equivalent of our SCRO.

Is that something separate from what we keep hearing about as the PNC or the Police National Computer? - The Police National Computer deals with named individuals who are wanted, missing, suspected, disqualified drivers and stolen vehicles.

So it is dedicated to certain areas of police investigation work? - Yes, it is a national U.K. wide database.

That is separate, though, from the records that are kept in either England or Scotland? - Yes.

And we have also heard of the DVLA which is the Driving and Vehicle Licensing Authority? - Yes.

And they seem to have a part to play in checks that are made in relation to firearms applications? - Records for road traffic convictions are held by the DVLA. Disqualified drivers also go on to the Police National Computer. The DVLA is accessed by a form. There is no database link directly at the moment but that is being worked on.

From what you have said, can I take it that SCRO does not necessarily record road traffic convictions, even those including disqualification?

- There was a policy decision made many years ago that the DVLA would be a repository for road traffic convictions. There has been a recent review in relation to the recording of traffic driving convictions and the like with a view to putting them on a database in SCRO and work is progressing on that but there is access to road traffic convictions through the DVLA. It was seen as a duplication of data.

How/

11.00 a.m.

How long does a DVLA check take? - A DVLA check routinely, because it's done not by data, but a form, can take up to three weeks, and if there is a very urgent check, it can be done by telephone, and it should also be borne in mind that disqualified drivers would show up on the PNC database.

Do you agree nevertheless that to get the complete picture of someone's criminal record in its widest sense, you really need to check up with all three of these sources? - Yes. I think any prudent individual, anybody doing a thorough enquiry would check with SCRO, PNC and DVLA, and also with such criminal intelligence as would be available.

Can I take it that all the Scottish Police Forces would have ready access somewhere in their establishment to those three sources -- in fact four sources -- including criminal intelligence? - Yes, there should be.

Does each police force have identical computer equipment on which they record their own criminal intelligence? - No. The position with criminal intelligence, I think you have to take a step back from these particular applications, that the evolution of information technology in the police service has not been one of standardisation. There is an evolving information system strategy which will in future pull together on a common database in a more standardised way the applications in the police service in Scotland, but at the moment the three are localised. SCRO, however, does fulfill a reference point for flagging intelligence. Where intelligence is held on somebody who is on the SCRO database, then there is a facility to flag that so it can be identified to an enquiring force that there is another body interested in an individual and may hold intelligence on them.

But is there something to be said for aiming at a situation where criminal intelligence held by one Force is readily available whenever another Force does a check on a named individual with his date of birth? - Yes, that is within the on-going/

on-going strategy.

When will that be in existence? - That is difficult to predict at the moment, but it is being worked on over the next three years, and it is at a very advanced stage in terms of the outlined strategy to be developed.

And is that development confined to Scotland or is it a UK wide development? - There is a ITIS strategy for England and Wales. There has been joint working to see where there can be commonality, and at National Criminal Intelligence Service level, there is a growing UK database and exchange in relation to high level crime, but a lot of low level crime activity, local intelligence, remains to be linked, and that will, we believe, emerge with the developing ITIS strategies in England and Wales.

So eventually you will be able to make these checks UK wide from your own Force computer? - Hopefully it will go beyond that eventually and allow linked access as well in the much longer term.

If I check up with SCRO on a named individual with his date of birth, will that tell me whether he holds a Firearms Certificate? - Yes, there is a database. All firearms certificate holders and shotgun certificate holders are fed in by Force to a specific database and there is a designation on it against the Force of the type of certificate, so if someone from Dumfries and Galloway would show John Smith D and F if they had a Firearms Certificate, and if that certificate at any time had been refused or revoked, there would be a designation R against the individual.

So if he applies and was never granted a Firearms Certificate, that would be noted on the system? - Could you explain "never been granted"?

Yes; if a person applies for a Firearms Certificate and never gets one, in other words his application is refused, will that show up? - It should. If there was a formal process of refusal, that should be entered by the Force and that should be logged as an R.

That rather suggests that if it is withdrawn,/

withdrawn, having been made and withdrawn because of police objection or concern, it wouldn't necessarily show up? - I think within the process there will be a number of people who don't fulfill conditions in terms of good reason, and these applications may never in fact be progressed as formal applications, so it will deal with formal applications.

Does the police national computer tell me if I check there whether the named individual has a Firearms Certificate? - The PNC wouldn't; the SCRO register would.

So if I am responsible for recording someone's driving convictions of a fairly serious nature, drink driving, failing to stop, giving a false name, indicators of lack of trustworthiness, and I do this on a couple of occasions because he is caught a couple of times, and disqualified, and I enter that record, it will never be associated with the evidence that that person also holds a Firearms Certificate? - A disqualified driver would -- if somebody has a Firearms Certificate, and became a disqualified driver, then that should emerge as a part of either pending cases within the local record system or the SCRO system.

Let's say we have got past the stage of pending and there is a conviction, so presumably it disappears from the pending cases in SCRO and it comes up on PNC as a conviction and with a disqualification, that system doesn't at the moment reflect the fact that the convicted individual also has a Firearms Certificate? - For a road traffic conviction, it wouldn't at the moment. For road traffic convictions in the future, my understanding would be that when they are in-put to SCRO, the same configuration would apply.

I am concerned to explore the PNC a bit further. I take it that if a person appears on PNC as for example wanted for some offence, that's something you would expect the enquiring officer or rather the entering officer, the person responsible for the entry, to put into it if he knew it that that suspected person held a Firearms Certificate, or would that not be anticipated? - It may not be entered. It would depend on the circumstances, if it was seen as relevant to the situation.

It/

It sounds like something that automatically should go on. Is there some particular reason why it is difficult to do that?  
- No. I couldn't honestly comment on specific circumstances, but where someone was wanted and they were in possession of firearms, then I would expect that to be entered.

And indeed, a refusal or a revocation having occurred should also be entered. Do you agree? If the fact is known that a particular person who is wanted for something has previously either been refused a Certificate or has had one revoked.....? - It may in fact be covered from another direction because if the reason for revocation or refusal related to the individual's behaviour, there is a warning signal capacity that somebody is violent for example on the PNC, so it could surface in that direction, although not specifically related to the revocation of a Firearms Certificate, and could I just say that in looking at databases, the key in-put really for the firearms history has become the SCRO database, and that has many of the cross references which you described in fact.

The thing that I am exploring with you, and the reason I am exploring it with you, is that at the moment there is an absence from SCRO of a record of certain driving offences, including disqualification? - Yes.

I appreciate what you have said about that changing? - Yes.

But the situation has got to be dealt with at present?  
- But I think that it has to be seen in the operational context, that serious road traffic convictions lead to disqualification, and disqualified drivers are on the PNC database. That is a point within the configuration.

But the fact they hold a firearms licence or have had a licence application refused or a licence revoked, doesn't show up in relation to that conviction, and that, I am suggesting to you, is unfortunate? - Yes; I think there is scope for developing data on this.

If I can move away from that to the enquiring/

enquiring process itself, we have been looking at areas where clearly uniformity is desirable. When it comes to carrying out a firearms enquiry in relation to an application, is there something to be made, do you think, from a uniform approach throughout the country? - I think the aim has been to achieve that. The 1991 Report to which we referred earlier in fact seeks to promulgate good practice and states a set of standardised steps that our Forces are encouraged to follow.

So you agree that uniform guidance to enquiring officers, whoever the enquiring officers may be, in the longrun would be desirable? - Yes. I think many people would suggest that uniform guidance at present exists in the form of the Home Office Guidance Document, and allied to that, the good practice document that came out.

But when you get down to it, what you have to do as an enquiring officer is fill up a form or make a report of some kind to your superior officers, or whoever is going to make the decision; is that right? - Yes.

And we have seen examples in this Inquiry of forms that are used, the Central Police forms in particular, which are called RL3a Forms? - Yes.

Have developed over the period -- we have seen three sets of these forms during the Inquiry. It might be an idea to have front of you a blank one of these, which is D18L, which will be shown to you. It is in Volume 2 of L. Now, you have probably never seen this document, but my reason for putting it in front of you is to let you see that guidance is actually given to the police officers who have to complete the form; do you see that? - Yes.

Particularly Question 2 there, "What are the applicant's reasons for requiring the firearm(s) or ammunition for which the application is made? If for competition, applicant must be a member of a Club. If for sport, applicant must have land permission. Specify reasons for each firearm". The problem of course is that this is the guidance that is in the hands of the enquiring officer at the time the enquiry is being made, and no doubt it tends/

tends to take on a significance at that stage. Now, would it be helpful, do you think, if the form contained more guidance for the officer at that stage, or do you think it is adequate that the guidance is held in a big book that is kept in one of the police offices? - I think it is frankly very difficult to speak to the form out of the context of any training the officers had, or the accessibility of the Home Office Guidance. I think if somebody is doing an enquiry for a grant or renewal, the clear recommendation made in the Home Office Guidance is that this is a complex area and therefore the guidance should be made available to officers who are conducting enquiries. It is difficult to isolate the form from the background. I think anything that can be done to improve awareness and improve efficiency in any form is worthy of consideration, but I don't know the context within which Central would progress this and what access the individual would have.

I think in fairness to you, from what you have said already, if a civilian officer is making enquiry, the words on the form are largely unnecessary. You would expect him to follow a routine every time he did it, and the form becomes more important when you are looking at an enquiry carried out by whatever beat officer was available on the day to be assigned the enquiry.

If/

11.20 a.m.

If you look at that latter situation, do you think it might be very unhelpful to face that officer with a form which has limited guidance such as question 3 "Firearms held. Must be physically checked by Inquiry Officer". Now, do you think that sort of guidance could be misleading to an officer? Is that adequate, taken along with all the things below, which are quite detailed, because it leaves plenty of space to put in further information? - I think the intent is clear enough from the wording, that it must be physically checked by the officer to presumably verify it is of the make and calibre that is on the certificate. I find it difficult to comment beyond that.

So I take it that you have not got any particular thoughts on whether there might be something to be said for the guidance being incorporated in some more detailed way from the form itself? - The first point I would like to make is that I would find it difficult to criticise this form out of context.

I'm only giving that as an example? - The second point is, that as a principle yes, if you can improve the professional approach -- and there are ideas for that -- then they ought to be considered, and if a satisfactory form of summarised guidance can be incorporated, that is an option. The only point I would make is that guidance is probably no substitute for training, in having an awareness of what has to be looked at. It is one thing to have very detailed guidance for the Enquiry Officer, but if he doesn't know what is self-loading, manual or whatever, it doesn't compensate for that defect.

I see that. On the other hand, if you look at the first question, which is concerned with the suitability to hold a firearms certificate, the answer that is required is really yes or no? - Yes.

And the only guidance as to how you check up on that is a reference to PNC and SCRO computer checks? - Yes.

One would be worried would one not as to how/

how the Enquiry Officer would find out whether or not he was a suitable person to hold a firearms certificate? - I would hope a professional police officer at operational level would know there are certain issues of unsound mind and intemperate habits would prohibit someone from acquiring a weapon. I would hope they would have an awareness as to what that question meant.

Do you know if thought has been given recently to devising a uniform enquiry form such as this? - There has been consideration given within the Firearms Administration Officers' Conference from time to time regarding improving information forms, but whether that extends to the enquiry form I couldn't comment.

Do you know if Mr. Bennett would be the man to ask? - He may be more up-to-date than I am; he may have more up-to-date knowledge.

One of the big issues for renewal as well as grant is the good reason a person has for having a weapon. So far as this Inquiry is concerned, that is a reason for a handgun? - Yes.

Do you approach this on a general basis, in other words whether an applicant has a good reason for having handguns, or do you look at the situation in relation to each individual weapon as a matter of practice? - The law requires us to look at each situation on its merits. It is my understanding there is a fairly clear view that Chief Officers should not be seen to be fettered in their discretion. In practical terms, however, there is very limited cognisance given to reasons outwith being a member of a club for the use of or the possession of handguns. This in my experience would be limited to perhaps a veterinary surgeon, who requires a handgun as a slaughtering instrument.

We have had a number of witnesses at the Inquiry who have held a number of guns, not just one. What is the general police approach to persons having weapons for target shooting, more than one? - There is no general approach. The guidance is fairly explicit in relation to the number of firearms and ammunition, that each circumstance should be considered on its merits. There is no specific case that there is an arbitrary limit.

Does/

Does that mean that the "good reason" test should be applied to each weapon? - In my view in practice that would be the approach. If someone is involved in a range of shooting disciplines, as the law stands and as convention stands, if they can offer that as the reason for acquiring it it would in all probability in most Forces I think be granted, because "good reason" has been shown, and there is no concept in the guidance of an upper limit, on the proviso that conditions are met in regard to sufficiency.

In practice how does a police officer check up whether a person has a good reason for why he wants two weapons which seem to be the same? - That could emerge from an enquiry in relation to their membership and activity at the club of which they are a member.

BY LORD CULLEN: I don't quite follow that. How does an enquiry of the club help? - In the sense that the discipline they are using the firearm for is a legitimate practice at the club. I couldn't comment on someone having several weapons all of the same calibre for the same purpose.

Your starting point would be finding out if there was another discipline to which the second gun was related; is that right? - Yes.

Then you would need to check up that the club had got the facility and had practised that particular discipline? - That is correct.

What about the idea of a spare? - Well, again in individual circumstances that may be seen as legitimate, but if the gun is in for repair or there is some technical defect, if the individual is engaged legitimately in competition shooting he may be able to advance an argument for a spare.

Supposing there is nothing amiss with number one gun but he wanted to have a spare just in case. Now, is that legitimate? - I think it is difficult to say that it would not be. If the individual is a competition shooter and advances the reason why he requires those firearms to participate in his sport, I think most Chief Officers would try to err towards caution in allowing a large number of firearms to accumulate, but I do think it is difficult/

difficult to ascribe to those situations a lack of good reason. One of the big difficulties is that we would argue that there is some uncertainty as to what constitutes good reason in many circumstances. I think we would welcome clearer codification of what "good reason" might mean. There has been a proliferation of innovative shooting practices in recent years, which could well be regarded as legitimate shooting activities by the shooting interests that we mentioned earlier, and that has spawned a range of weapons that we have felt uncomfortable with, and from time to time points have been raised. But I think there is a lack of specification, and individual judgements have to be made.

Do you think perhaps as it is as slackly viewed as you say, that if you can justify the use of a weapon as a target shooting weapon, even though you have a couple of identical weapons, a police officer would find it difficult to say that was not good reason? - I think that would be fair comment in any circumstances.

BY LORD CULLEN: Just one point that you can clear for me. When we talk about "good reason" we seem to get into the area of need, but the guidance refers to the word "opportunity"? - In relation to the Act that is correct, it mentions "opportunity".

For instance, talking about a spare a moment ago you began talking about need? - That is correct.

Is that the criteria? Is it "need" as opposed to "opportunity"? - Well, I think that it may come down to both. It is need, really, in relation to other firearms, that someone needs a .22 rifle for vermin control. It is interesting that the guidance referring to handguns mentions "opportunity". We argue in our evidence that these instances ought to be dealt with in relation to justifying the need quite emphatically by raising the category of all multi-shot weapons to that of prohibited weapons, where the standard there would be very clearly need. They would have to justify a very clear need to justify a multi-shot weapon or a proliferation of weapons of that type in relation to target shooting. I think there is a practical difficulty/

difficulty in this area.

This is talking about the future: but taking matters as they stand, in relation to the first gun as opposed to the gun that is to be the spare, does the applicant require to show need? - He has to show reason, and "reason" arguably in an interpretive sense could be both. If your reason for acquiring the second one is to provide back-up to give him a slightly different technical advantage from a gun -- I am not a technical expert on firearms, but it is my understanding that shooters will tailor guns in certain ways to give them advantages within the same calibre, and an identical firearm may have technical differences. In both circumstances I would suggest they could be interpreted as reasons for acquiring that type of firearm.

Supposing the applicant wanted authority to process a weapon, and it was perfectly clear that he had full opportunity to use that weapon, but the information indicates he had not got the slightest intention of exercising that opportunity: what would the officer do? - In my experience, if someone is not an active shooter, in that situation we would not renew an individual's certificate. We would check at the point of renewal that there was still a certificate of membership, and if it came to notice that the individual was not active we would tend not to renew the certificate, because the reason would have gone.

So you would want to make sure he had not merely an opportunity but intended to exercise it? - Yes, that would be the test. I think, sir, there is perhaps a practical difficulty, in that if you follow the good practice memo No. 91, the inference there is that where circumstances do not appear to have changed -- where there is no notice of change in a person's circumstances -- it is entirely possible that an individual could have a lapsed activity. He or she could still be a member of a club, for instance, but albeit they have got a certificate of membership and that has been renewed regularly you would not necessarily know how active they were. This is why again -- I don't want to stray into the future -- that is why I think there is a weakness here in relation to feed-back from clubs and club activity, that people are still active/

active shooters.

What I want to understand is what is the approach today in dealing with applications, particularly in relation to the term in the guidance "regular opportunity". Do you say in general in Scotland that is taken as meaning that the opportunity is exercised?

- I couldn't really say what is generally understood in Scotland. From my local experience, we would check that the individual was a legitimate member of a club, that they were active at the time of grant and at the time of renewal, that they were still members of the club, and I think that is as far as that enquiry would go.

EXAMINATION CONTINUED BY MR. BONOMOY:

Can I take it from that answer that if the person was still a member but was not actually shooting you are unlikely to find out at the renewal state the way things operate at present? - I think there is a possibility that could arise, unless the membership had lapsed, and there would be degrees of activity.

That may be because there is no real guidance given at the moment on the extent to which to check up on the applicant. There is no positive guidance that a particular check up should be made at the club on the shooting activity of the individual applicant?

- No. In the other type of certificate, in the sense of any other category of use, whether it is a club or not -- we are focusing on the opportunity in a club as a general point at renewal.

For a handgun it could only be at a club? - Yes, absolutely.

Just one or two quite separate matters to try to expand our knowledge of the situation at present and what might exist in the future. A number of suggestions have been made in submissions about where weapons might be kept rather than at home. There are expressions of opinion that storing guns in one location, building up an arsenal of weapons at one location, presents certain risks. The police might be in a particularly good position to tell us what the risks are and how the police perceive these risks. Can you help us? - Our view is that the retention of handguns at home should be discouraged, and they should be stored on the club premises, /

premises, and clear guidelines as to how they may be transited between venues in secure circumstances. We raised the point in the context of what we would see as a reduction in the number of handguns. There is a counter-view from the Superintendents' Association of England and Wales that these represent a security risk if you centralise firearms and ammunition holdings in a club: but in context, we would see our recommendations would be valid in reducing the number of handguns being used, thereby reducing the numbers which would be centrally held.

We would also draw a parallel with firearms dealers, where there are significant amounts, significant quantities of firearms and ammunition held at fixed points and under secure conditions: but pending that we would recommend a proper and full evaluation of the security measures necessary both for dealers and for clubs, to ensure the maximum security. We would find that would be a valid possibility, removing handguns from the home.

Let's turn to the possibility of storage of the weapons at clubs. Taking account of the numbers involved does that present a significant risk? - We do not think it does, in comparison with the risk of firearms being readily accessible at home. We think the answer is to make the security commensurate with that risk, in the same way as with a firearms dealer.

What if an alternative approach was taken, and the guns and the ammunition were separated, so that the ammunition was stored at the club, presenting less of a security risk, and the gun was taken home? - That would depend on how you could clearly separate the ammunition from the firearm. I am not sure that is absolutely achievable.

Why do you say that? - I suspect that with home loading as currently exists there is an opportunity to acquire unregulated quantities of ammunition. You could never be absolutely certain that illicit ammunition might not be available for a firearm. There is the issue of carelessness within the system, and there is the issue of deceitfulness within the system, and there is another economy in relation to firearms beyond the one we are talking about, where illicit people may acquire ammunition.

11.40 a.m.

I am concerned to some extent obviously about the use to which weapons and ammunition are put by criminals. If the proposal you are making of keeping guns in a club were to be implemented, what improvement would you see as a result so far as the prevention of weapons getting into the hands of criminals is concerned? - I didn't suggest that as necessarily an improvement in removing criminal use by diverting firearms out of criminal use. What we are suggesting is that it minimises the risk of aberrant behaviour by a recognised certificate holder in whatever circumstances. It is a public safety measure given, as we have discussed, there will be many people who so long as we have a regulated process, within the limitations of any process we may devise, whose behaviour may never be absolutely predictable and to that extent our contention is that where you have handguns I think there is a particular risk. If the users of handguns are continuing to argue a need for access to those weapons then I think our contention would be that those concealable weapons, those multi-shot weapons ought not to be in people's homes but to be at a well regulated point of control.

Do you see any criminal dangers posed by home loading? - I think there is a clear potential there. I mean, if people can acquire materials for making ammunition which is currently unregulated then anything is possible I suppose, sir, in that respect.

So it is not the home loading which is a problem? It is that people can acquire all the individual components without a Firearms Certificate? - I think you need to look at the question of home loading as a concept. If the individual meets all the criteria for a Firearms Certificate then there is a case for regulating it and thereby being a matter under control, where there would be notions of what the quantities ought to be and some means of control over that with regard to access to smokeless powder and the other components which would be transparently controllable or more transparently controllable.

Now, one thing I should have asked you about in relation to applications when we were looking at counter signatories was whether you saw any/

any advantage in applications for Firearms Certificates being publicly advertised before they are determined? - There are public interest benefits in the sense that in other forms of licensing, liquor licensing for example, the individual has to announce that he has the intent to acquire or vary the practice with licensed premises. If someone in a community street seeks to obtain a weapon then you could understand the argument that people in that community are entitled to express some kind of view about that.

I know, sir, and you might want to pursue it with my colleague, Mr. Bennett, that this was given some very serious consideration in the working group which produced our evidence but we were persuaded on balance it perhaps attracted more attention to the individual than would be desirable. The counter argument to that clearly is well, if the weapon is not in the house then there is less of a problem in that respect but on balance they felt it was not something that we would choose to recommend. That is not to say we would oppose it. We just didn't find any level of support advanced at this time.

But if the gun is not kept at home then the public notice that the person has applied really does not present an additional security risk and gives people an opportunity to express a view about his suitability? - Yes, there is no objection or opposition to it. It is simply the climate of the way that the view was formulated, sir.

Do you see any advantage in having what has been described as a Central Gun Register? - Yes, we advocate that. There is a case for looking very carefully at the whole process with regard to firearms manufacture, distribution and certification.

You spoke of databases earlier, sir, and the need for comparability and correlation. There is really no way at present that you can guarantee you were successfully charting the route of a particular firearm because of the absence of accurate serial numbers on weapons and on magazines and the fact that some transactions disappear in the web of dealerships. The fact that people can perhaps go from site to site with knowledge of the shooting location being universally shared and we would see, sir, that careful evaluation of that type of/

of register which would link in the real history of a firearm from manufacturer to the break-up, with all the points of certification and transfer ought to be part of future strategy.

But would that help? - It would help, sir, because really we are going through a process of regulating individuals and specifically weaponry without any real reference point to identify weapons throughout their lifetime. There is a gap in the information system regarding that whole process. There is no way of knowing at the moment for sure just how many firearms globally are in circulation. If we are looking at issues of public safety then we would feel that there ought to be some notion of the sort of ceilings there might be in relation to the circulation of firearms. It is a difficult task to be able to assess just how many weapons globally people would have as technology stands.

There are two obvious problems and no doubt there are many more but one is that there are no unique serial numbers at the moment for weapons? - Yes.

Now, would that present a problem to having a Central Gun Register? - Only, sir, if there is not a will to overcome that problem. I mean, if the assumption is that is the way it has to be because the manufacturers operate that way then clearly there is a difficulty but if as part of any reform process improvements are made in identification of firearms then that problem would be overcome.

The other obvious difficulty is at present there is no means of keeping track of transactions of firearms where a dealer purchases a firearm, is that right? - That is the point I was making, sir, that there would be a reference on an individual certificate when a weapon was acquired by an individual certificate holder. That would be part of the arena we would see being embraced within a National Register.

Does the dealer record in his register when he has purchased a firearm? - It is my understanding that transactions are logged day by day.

But/

But he doesn't need to report that to the police? -  
Not at the point of transfer. It would be picked up in inspections of  
the log if they were looked at.

BY LORD CULLEN: Are you suggesting what is on  
the log would come on to this register? Is that right? - If an  
individual certificate holder goes to a dealer, sir, and transfers his  
weapon to that dealer then the dealer will in fact have that recorded  
as a transaction.

Yes, I appreciate that but are you suggesting what the  
dealer records ought to appear in the register in some form or  
other? - Yes, the new register?

Yes, on this new register we are talking about? -  
Yes, for completeness of the transfer of firearms.

EXAMINATION CONTINUED BY MR. BONOMOY: The  
only other question I want to ask you about is something which is  
mentioned again in your submission and that is a problem you see  
in relation to the British Visitor Permit scheme. Now, there has  
been introduced a scheme for European Firearms Passes? - Yes.

Now, can you help us identify the particular problem?  
- Yes, very briefly sir.

It is at 2.2.261 of your submission I think? - Yes, if  
you bear with me just a moment. Can you give me a page  
reference, sir?

Page 59? - Thank you. Yes, there is a document  
known as the European Firearms Pass which every resident within  
the European Community should obtain from his local police if he  
plans to transit firearms around the European Community but there  
is no real control over these movements within the Community apart  
from Britain and that is because of an over-arching scheme, the  
British Visitors Permit. Now, the British Visitors Permit is required  
for everyone visiting the U.K. who wishes to bring into the country  
firearms. Its application, sir, would be for example to shoot on  
estates where shooters from the Continent might come in the  
season as tourists for shooting as recreation. In order to allow/

allow them to bring their weapons with them then a sponsor can obtain a permit from the local Chief Constable and that would specify the weapons they were entitled to bring.

So you are saying that is a good thing? - We say it is a good idea because if we try to ensure public safety and control there is a lack of harmonisation of definition of weapons throughout Europe and weapons in the shotgun category that we have raised to Part 1 status or indeed prohibited status may well be freely available in other countries and in our view it would be anomalous if people could enter Britain and use firearms and types of firearms in ways which we would never address as good reason for certificate holders in the U.K. So for that reason, in simple terms we argue that that is an over-arching scheme and the British Visitors Permit has some merit in extending the standard form of regulations to the use of firearms in the U.K., being a higher standard of control than simply a pass which allows the shipment of weapons around the E.C.

Do you accept that has to be a question of how the Directive is actually interpreted and what it actually does achieve? - Well, I'm not an expert on European law but I have an understanding that much has yet to be done in achieving harmonisation within the Directive.

Is there evidence of weapons coming into the country because of the European pass scheme that would not normally be held by a person resident in this country? - There are examples of multiple action shotguns being brought in as shotguns when they should be Part 1 firearms and being used for example for killing geese when we would not regard that as a good reason for acquiring that type of weapon for that purpose.

BY LORD CULLEN: Just one or two matters before you are further questioned. You were asked some questions about the Scottish Criminal Records Office. Am I right in understanding that the records we talked about so far are concerned with individuals but they do have a record of firearms that have been lost or stolen, is that right? - That is correct, yes.

And/

And how is that arranged? Is it by reference to the serial number or how is the information displayed? - It would contain such information, sir, as is available regarding the weapon, its type, its calibre and its serial number.

And presumably location? - And its source of origin, yes, and the nature of the theft.

And that would obviously be used in the question of crime detection? - Yes, that is correct.

As far as the idea of a national database of firearms, is the main purpose of that to do with crime prevention or crime detection? - I think it would have a bearing on crime prevention. At the moment for example it is being linked to more rigorous controls elsewhere but someone could for example with a shotgun simply destroy the weapon, claim they have destroyed it and we would never find it again. It may have gone into the illicit economy on the criminal side. We see it as twofold, sir. From the public safety point of view, which is the primary reason behind our thinking, it would give absolute control of the routing of a legitimate firearm from the point of manufacture to the point of legitimate destruction and we would hope that is thought through conceptually. It would provide a deterrent for syphoning off firearms into the criminal economy and it would also give us a much more accurate measure of the range and types of weapons that are in circulation which we sadly lack at the moment.

Do you see it as supporting the process of certification that you discussed earlier? For example, if a gun turns up and it is known that somebody has been the holder of a Firearms Certificate in respect of that gun, may that be of some assistance in dealing with that particular case? - In the sense that there is an aberration with regard to the use of the firearm and the certificate?

Yes, supposing it is found out that a particular gun is used in the commission of a crime in one part of Scotland and it might be possible I suppose to find out that somebody is holding a certificate in respect of that? - Yes. I mean, that/

that could be helpful, if not directly evidentially, from an intelligence point of view in the investigation of that case, sir.

Would that register we are talking about at the moment refer to Firearms Certificate holders? - We would see it being a complete relational database which would link a record of firearms to their current location and that might be a dealership, it might be that it has been destroyed. It might be that it is with a certificate holder so you would have a composite network of information which would embrace the whole firearms community.

So it would contain amongst other things information as to the name of the current holder in respect of that? - Yes, we would visualise it in that form.

Would it be possible to interrogate that register in order to find out whether a named person was in fact the holder of a firearm or would that be tackling it the wrong way round? - It would then almost become a kind of population database but the database should be capable of identifying people who are Firearms Certificate holders and because there would be a cross transference of information, we see it as being a database from which a number of applications could be drawn. We have not, to be frank, and I think this is brought out in our evidence, explored the mechanics of it, the complete functionality of it. We see it as a concept which could add some worthwhile part to the overall control of firearms.

You see, in addition to the suggestion of a database of firearms, I have also heard a suggestion there should be some national database of persons who either hold or have held or have applied for Firearms Certificates or the like, including people who have had them refused or revoked as the case may be. Now, that is not what we are talking about at the moment? - To take regard of that, sir, yes.

Do you see a use in the idea of a national database of persons who have been in some way or other linked to the Firearms Certificate system, whether a holder, a past holder, revoked, refused and so on? - There could be merit in it. My initial/

initial response to that, particularly from the point of view of having a national history with regard to those who have been refused or revoked, I think that could be helpful because people are grouped around the country from time to time as they move and it would be a much more accurate database than has hitherto been available.

Can you tell me anything in relation to the point about what kind of information is held by individual Forces? I imagine that most Forces hold information about Firearms Certificate holders on computer, is that right? - Yes, most Forces now do. I think one till recently didn't have it but I think that is at an advanced stage. I think that is an interesting point, maybe worthy of note, that the guidance from the Home Office does not suggest any standard approach to record holding and I think also it is fair to note that perhaps advances in this area have not gone as fast as they should have because of the diversion of consideration of the Firearms Control Board in the mid-1990s but Forces have got administrative databases which will provide a register of Firearms Certificate holders, Shotgun Certificate holders and we have a knowledge of the certificate system whereby serial numbers, calibres, etc., are available within each Force.

But does the database include information about those who have had their Firearms Certificates revoked or refused? - I couldn't give an absolute answer to that, sir, because I don't deal with specific applications. Ours would be a purely administrative database but it would be, if I could define it, a dead record section which would give us any cross reference check but I couldn't speak with any authority for the other Forces.

If we were thinking about the future, what records on each firearms holder are they capable of communicating to each other or is that not possible? - At this point, no, but when I was speaking to Mr. Bonomy earlier I did mention the Scottish ISIT strategy and that is certainly very much part of the plan there, that there will be firearms applications which would allow for interaction across the Forces.

Are the systems in fact compatible at the moment? - They would not necessarily be compatible at the moment. I think it depends on the hardware and/

and the software. Most of the information is by far, probably in the vast majority of the time entirely of local interest. The vast majority of the data would not necessarily need to be cross-transferred but we could see I think as a professional service looking to the future that there would be an advantage in having that facility.

Can I take it that as between one Force and another there would not necessarily be a uniform approach as to what records should be held and in what form? - No, because there has been no standing point of guidance in relation to that but I would think that there would be a degree of commonality since certain of the information is fairly self-evident, sir.

Do I take it from what you have said that you would expect moves towards uniformity and inter-linking? - Yes. I think that it is the policy of the ACPOS to advance a strategy of uniformity and commonality which will give us a common benefit.

CROSS/

12.00 p.m.

CROSS-EXAMINED BY MR. CAMPBELL: I think you have the joint submission before you? - Yes.

I understand you are not able to take us through this document and I don't intend to take up a lot of time on it, but can I ask for clarification of one or two recommendations? - Certainly.

In the submission, could you turn first of all please to Pages 70 and 71? - Yes.

At the top of Page 71, the second recommendation is that "The law be changed so that all applications for a Firearms Certificate for a handgun for target shooting be granted for single-shot .22 inch calibre weapons only". The next recommendation is that "All multi-capacity smooth bore guns be raised to the prohibited category"? - Yes.

There is then a reference to Section 5 of the Act, and then the next recommendation is that "All multi-shot pistols be raised to the prohibited category". Bearing those recommendations in mind, can I ask you also to turn to Page 48? - Yes.

Here, the submission has been discussing Clubs and the like, and at the bottom of the page, we read the following recommendation -- "All semi-automatic weapons and ammunition (whether belonging to the Club or a member) be stored at the Club"? - Yes.

On the face of it, it may be thought -- I am really just asking this for your clarification -- it may be thought that there is an inconsistency between on the one hand the recommendations at Page 71? - Yes.

Which raised multi-shot weapons to the prohibited category and prevent Firearms Certificates for such weapons for target shooting? - Yes.

But on the other hand, making your recommendation relating to the storage of such weapons at the Club? - Could I perhaps explain? I/

I can understand the ambiguity on first reading. What we are recommending is that semi-automatic weapons, multi-shot weapons, be raised to the prohibited category and thereby need would require to be demonstrated to the Secretary of State for acquisition of such weapons. Were such approval given in limited circumstances, I would presume that would relate presumably to the target arena at shooting Clubs, then our recommendation follows that those weapons could be stored at home, but if people agree with our view, they should be stored with the other weapons at the Club, so that is the logic of it, that we are saying raise the multi-shot, multi-capacity weapons to their prohibited category, and if they are granted, their storage would be on like terms with the other handguns at the Club.

Would you envisage perhaps stricter controls in relation to what would amount to a good reason to have use of a semi-automatic handgun for example? - Yes. I would think that is very much in the mind of the Associations and the group, that the majority of Olympic sports, as I understand it, revolve around .22 weaponry, and as I understand it, almost exclusively could be fulfilled with a single shot weapon. I also believe that some international shooting competitions which are not of Olympic standard have diversified in the nature of events, and it is that particular area, I believe, that the greater capacity for a weapon is more likely to be needed, so I think it would be fair to say that we envisage that there would be a much greater restriction on that type of.....

Would this be part of the scheme to bring about a reduction in the overall number of such weapons in our society today? - That's the view we took. Our reasoning, if it is helpful, to the Tribunal, was that we debated the case for an absolute ban within the Group, but felt that there was a group of people who, for legitimate sporting purposes, could argue a reason to acquire a handgun. We then looked at that and thought what the standard ought to be, and it is achievable -- a balance is achievable if we limit it to .22 single-shot weaponry rigorously controlled with the safeguards, and that greater capacity weaponry be raised to prohibited status.

So if we revert to the top of Page 71 to make/

make sure that I am following the suggested scheme, the second top recommendation is that "All applications for a Firearms Certificate for a handgun for target shooting be granted for single-shot .22 inch calibre weapons only"? - Yes.

Does that in effect mean that private ownership of firearms or handguns, if I can put it that way, would be so limited, and if one wanted to use a semi-automatic weapon for target shooting disciplines which required such weapons, then you would require to use a weapon owned by your Club? - In effect, that would be the case.

And it would follow that that weapon would require to be stored at the Club? - Correct.

So the effect would be that private ownership of handguns would be limited in accordance with the recommendation at the top of Page 71? - That is correct, yes, to the individual certificate holder, yes.

So in terms of weapons overall, that would mean, would it, that you would envisage private ownership being limited to shotguns, some form of rifles presumably, and handguns as defined as "Single-shot .22 inch calibre weapons and" only? - Yes, of which we believe there are approximately 500 certificated at present of that type as opposed to, I think, 10,000 handguns in total.

So you are seeking to bring about a change in that ratio? - That is the aim, yes.

In terms of rifles, what form of types of rifle would be permitted in terms of private ownership under this scheme? - In relation to rifles, there is a residual category of multi-shot rifles which ought, we think, to be in the prohibited category. I couldn't give figures for it, but we would say that the type of rifle would be the type of weapon that is legitimately used at the moment for sport in relation to deer; by the farmer in relation to vermin; with the types identified there, those multi-shot types of weapons, similarly being taken into the requirement to prove need against a prohibited category of firearms.

Moving away from the specific terms of these recommendations and bearing in mind that there are/

are those who take a different view and would contend that private ownership and possession of handguns should continue much as present, one then requires to address, does one not, any appropriate changes in the present system of regulation and control of such handguns, and the ownership of them? - Yes.

Would you agree that any system which seeks to provide public reassurance in the light of the allowance of private possession of handguns at home, any such system should be a rigorous one? - Yes. I think there are two points, if I might make them? Firstly, I think about 2 per cent of the population or less involve that particular group to which you refer, so we would argue that some form of balance in the equation needs to be carefully considered with regard to where priorities lie in respect of future regulation, but if that balance falls somewhere between what we propose and others would argue for, then clearly we have argued for some time that reforms are needed in the Firearms Regulation and Control, and improvements are required.

Let's assume just for the sake of discussion that in the future, private possession of handguns at home is permitted, plainly the objective of any more stricter controls or stricter regime which may be brought in would be to improve the prospect of preventing another Dunblane tragedy? - Yes.

And the essence of that, I take, it, would be to improve the prospect of identifying people who may do these awful deeds? - Indeed, yes.

Putting it shortly, the system, any system requires to address the potential for other Hamiltons in our society? - Indeed, sir.

I don't think anybody in this Inquiry has suggested that it is possible to identify a system which will prevent another Hamilton on the assumption that private possession is permitted? Would you agree with that general statement? - I think it is very difficult. I think human behaviour being what it is, it is a sad fact that unimaginable aberrations can arise, and if there are opportunities for access to weapons, then that can have tragic consequences.

But/

12.20 p.m.

But no doubt if we could proceed on the hypothesis which underlies this whole line of questioning, that private possession of handguns would have permitted semi-automatics and what have you, then given the need for a rigorous system with a view to improving the prospects of identifying unsuitable people before something terrible happens, the essence of any such improved system, as I think you have indicated, is based upon more rigorous checks, perhaps more frequent checks; is that correct? - Yes. I think it is open to consideration that in evaluation of the future requirements, we would contend that a five yearly turn-round is far too long a period to elapse before there is some structured review of someone's status with firearms, and we would recommend three years, as was the case until recently.

But on any view, any new system which seeks to improve the prospects of identifying another Hamilton before it is too late would involve a more pro-active regime, a more expensive, more time-consuming and a more extensive regime? - Yes: and it would mean we would argue more active players within the community who have a contribution to make.

Even then, even with these more pro-active people in the community playing their part, more regular checks, greater efforts being taken, even then the potential still exists for the same thing to happen again? - I believe it is impossible to predict human behaviour to that level of precision. You cannot absolutely guarantee that an individual is not going to indulge in some extreme act, as long as they have access to firearms; that potential must always exist if they have free access to any form of weapon.

So this may be another factor pointing in support of your submissions proposal severely to limit the nature of weapons held at home? - We believe so. I don't want to say this in any callous sense, but what we are really saying is that if something aberrant happens, at least we have reduced the capability for the most extreme consequences by limiting access to single shot weapons.

Moving/

Moving the discussion on just a little, you told us earlier or we discussed earlier various Home Office-inspired proposals for change before Dunblane occurred, for example postal renewals, doing away with counter-signatories and the like. Does that suggest that by the early 1990s the memory and effect of Hungerford was beginning to fade already, by that stage? - I think there are those who would contend with some justification that the expectations of reform post-Hungerford were not fully realised in relation to the categorisation of weapons and the fulfilment of obligations with regard to certain types of shotgun, for example.

We point out that there has been a need since Hungerford for some far-reaching reforms.

The Firearms Consultative Group was set up after Hungerford, and the two ACPOS members of that submitted proposals in mid-1990, very similar to the proposals we have submitted here. Whether the images of Hungerford have faded I could not comment on. We as professional police officers can point to the fact that I think there has been a momentum towards improving administrative efficiency, which has had a greater priority in our meeting, than underlying issues of regulation.

You alluded to the costs of processing the Firearms Administration as absorbed by the Police Force. That is a costly process. There is a cost which is there. You can appreciate at one level the desire to make this system as administratively efficient as possible, therefore, but our concern would be that that has to be matched with an underlying concern that there is also regulatory effectiveness matching that administrative efficiency.

So you would understand that there may be a concern that if private possession of -- let's limit it for the sake of discussion to semi-automatic weapons. If private possession of semi-automatic weapons continues to be permitted, the counter-balance is some new improved, more rigorous regime by way of checking and the like, and you would understand the concern that in years to come, any immediate impact or effect of Dunblane might begin to fade, and administrative efficiency may once again come to the fore? - I think we have no difficulty in arguing for radical change.

Our whole presentation is based on the need to grasp the nettle once and for all, and if we are/

are to have a society which has access to firearms as part of its culture then that has to be very positively weighed against the perceived public safety, and a real change has to be engineered, and if costs are attached to that then that has to be borne within the system.

I think our evidence would fail if it did not achieve some recognition of the underlying need for that kind of change such as we propose. I do not think anything from our professional perspective which is perceived as half measures or incremental change would satisfy public safety, nor match our professional aspirations.

Would you agree, without in any way wishing to minimise the desirability of proper checks upon those who have access to firearms, that any move away from home possession towards more centralised storage of weapons perhaps along with a reduction in the overall number of weapons, in addition to being potentially safer might well be a cheaper system than would otherwise arise? - It certainly could be cheaper from a public expenditure point of view. It may be costly to the practitioners.

The parallel we have drawn in our evidence is the concern in relation to football stadia from a public safety perspective post-Hillsborough. We think there are some issues here that have to be made, that if there is a cost to be borne than that is part and parcel of this process of change, and that should be borne, where the cost needs to be met.

In that context I think you are probably referring perhaps to a passage in your submission, your joint submission, at page 47? - Yes, sir: paragraph 2.2.187.

Perhaps you would be good enough to read out the three bottom paragraphs, from 2.2.185 at the bottom of that page.

LORD CULLEN: Perhaps I can say something at this point. I have been concerned to try and bring about a situation in which the arguments on either side are carried essentially in writing, and Mr. Bonomy has led his evidence in order to deal with certain practical considerations. I would be anxious if your cross-examination developed into something/

something other than that. I think it is best if we try to deal with this essentially in writing and concentrate on practical considerations, or possibly a question on clarification.

MR. CAMPBELL: I was not going to go into the matter in any detail.

LORD CULLEN: Otherwise we might as well turn the whole Inquiry into an oral examination.

MR. CAMPBELL: Thank you, sir. Is your lordship content with what I am doing at the moment?

LORD CULLEN: I'm not trying to close you off on any particular point, but that is the line I would propose to take.

CROSS-EXAMINATION CONTINUED BY MR. CAMPBELL: Perhaps you could read the bottom three paragraphs? - Yes. Number 2.2.185 says "Scotland has a population of 5.1 million. At the end of 1995, there were 32,300 firearms certificates and 68,888 shotgun certificates on issue, a total of 101,100 certificates. Some of these will hold both types of certificates, so the total 'shooting community' in Scotland will be less. Shooters therefore represent less than two per cent of the population".

Paragraph 2.2.186. "Words such as 'inconvenient', 'uneconomical' and 'impractical' seem to us to fly directly in the face of the public safety principle, particularly today when the focus is not simply on ammunition but also on the firearms themselves."

Paragraph 2.2.187. "Following the Hillsborough Stadium Disaster in 1989, and the subsequent Inquiry by the Right Hon. Lord Justice Taylor, football clubs were ordered to bring their stadia up to certain standards. Questions of convenience, economy or practicality were cast aside. 10 years on, our football stadia are some of the safest world-wide, and the rumblings of bankruptcy from certain clubs in having to implement the new measures have not materialised. We draw a parallel here to show that radical change can be introduced despite orchestrated protests from vested interests, if public opinion is strong enough and Parliament so decides".

Is/

Is that the passage you were referring to a moment ago in the context of the Hillsborough disaster? - Yes.

In the next paragraph you make reference to the compulsory storage of firearms and ammunition at gun clubs, and you say that you are convinced that this is what the community at large want, and that they quite rightly want to feel safe and they want their children to be safe from the Ryans and the Hamiltons of this world, and the Parkhills? - Yes.

Who is Parkhill? - Parkhill was a young man who became involved in a firearms incident in Glasgow in the early 1990s. He had a history of possession of firearms on a certificated basis from a fairly early age, a shotgun certificate at 16 and a firearms certificate at 17. The evidence suggested that under the influence of drink he had an argument with someone, took a handgun from his home and started firing it in a public place, I think in the middle of Sauchiehall Street.

Now, that was a fairly dangerous incident. I think one person was killed and some others were wounded as a result. He then committed suicide.

You were asked some questions about the storage of weapons in a centralised place, by my learned friend Mr. Bonomy. I would like you to elaborate on one answer you gave to him, if you would? - Yes, sir.

You indicated to him that certain types of weapon could be confined to club premises, then I noted you as saying "With clear guidance regarding transit between venues", or words to that effect? - Yes.

So we are to understand that the shooter, his weapon is stored at the club, and then presumably he is going to shoot at some other venue? - Yes.

What did you have in mind by "Clear guidance regarding transit between venues"? - We make specific recommendation in the report to the fact that we see these weapons being secured in transit, and that there is some means of ensuring that/

that it is for a legitimate reason when the firearm leaves the club premises.

We also in our appendix outline certain conditions in relation to clubs, and these are but an embryo of conditions.

There was a feeling within the Group that there was scope to elaborate on the control of weapons in transit between competitions, without having anything more specific to say than that.

I ask you this specifically, because we may hear evidence to the effect that this whole idea of centralised storage of weapons at gun clubs is a waste of time, because somebody such as Hamilton would simply pick up the gun from the club, and instead of going to the intended shooting range or other club simply go and carry out the murderous deed? - Well, there will always be a risk attached. But if there is controlled access to firearms within the more rigorous control of clubs I think we would almost have had in mind something akin to our own requirements that a police officer has to have authority to withdraw a firearm, and that is controlled.

I think we would envisage that there was some control measure within the club that would govern access to the firearm, so it was not a question, as has happened in the past, of someone having taken a firearm from a club to use at their own -- that is the kind of thrust we see, without having a codified set of proposals.

Finally, picking up a point raised by my learned friend Mr. Bonomy in the context of the potential for theft of weapons from some centralised armoury, has there been any consideration given to any benefits which may flow from disabling weapons in central storage by removing part of the firing mechanism? - That was one of the points we made. We recommend that there is a structured view of national standards for security of weapons in clubs.

CROSS-EXAMINED BY MR. TAYLOR: When an applicant for the grant or renewal of a firearm certificate submits his application to the police, the police will not know whether that applicant has approached several people to be his counter-signatory and has been refused; is that fair to say? - That is correct. That is one of the disadvantages we see in the present system. There is/

is really no way of knowing at present as to how someone has come to be the counter-signatory. They would not know either necessarily that they were part of a queue, so to speak.

Three or four other people or more could have previously declined to counter-sign the application in the appropriate manner? - That could have happened, sir, yes.

Do you therefore see any merit in there requiring to be some declaration by the applicant that the person who has counter-signed is the only person who has been approached? - I am sure there is a value in that, that could be linked into an improved system of counter-signing referees, yes.

Taking it a little further, in the event of a false declaration being made, there being specific provision, might that lead to revocation or refusal of registration? - Yes, I think that would be a useful sanction to consider, so that there is real meaning to the process: but it does add value in a regulatory sense to the whole process.

You were asked some questions by Mr. Bonomy in relation to what constituted good reason? - Yes.

And in fairness to you it might be of benefit to you if you could have a copy of the Home Office guidance before you, which I think you will find in L Volume 2, and it is D1 of that Volume: have you got that? - Yes.

Can you have a look please at paragraph 6.8(e), which you will find on page 69? - Yes, sir.

I think that was the passage to which you were referred when answering questions in relation to "good reason"? - Yes, sir.

If an applicant states that he has an intention to shoot when his application for renewal comes up, do Police Forces generally to your knowledge carry out any checks during the currency of the certificate to ascertain if the intention is in fact being exercised? - There would be some follow-up I would think in my experience at the time of/

of grant, because for a time the individual would be in a probationary category. At the time of renewal, however, I think it would be fair to say that provided there was some current membership, it would be not usual for any further-ranging enquiry, although the individual would be seen in my own Force, and there would be a home visit, and there would be some guarantee elicited that he was still a member. Not only would the membership certificate be there, but it is my understanding that on one such occasion it was established that the individual was a dormant member, because the certificate was not renewed.

As things currently stand, however, if the "good reason" lapses between grant or renewal there is oddly no facility for revocation, as I believe the Tribunal is aware.

As a point of practice there would be a routine visit in my own Force to the individual, there would be confirmation he would be still a member of a club, but I would say it would not be usual for the club to be visited just to validate just what the level of his involvement would be, if he still appeared to be a bona fide member.

BY/

12.40 p.m.

BY LORD CULLEN: But would he be asked whether he was active as a member? - That would be usual in my experience, that he would have a current membership certificate and as part of the validation process at that time the enquiry officer would be expected to at least confirm with the particular applicant that he was in fact so engaged.

CROSS-EXAMINATION CONTINUED BY MR.

TAYLOR: If at renewal an application indicated that he had not shot in the preceding five-year period because of domestic circumstances, pressure at work or similar but he still intended to shoot and wished to have the opportunity to shoot in the subsequent five-year period for which he was making application, would that satisfy the criteria for good reason? - I think again I can only localise that rather than make a general statement but I think we would look carefully as to whether good reason still in fact subsisted against those circumstances and as to whether in fact the certificate should simply not be renewed and whether points arise where the individual felt that he could operate a gun in a legitimate way considering the fresh application but such is the nature of the Act and the process I would be at pains to say that all of these things, if they arise, would be considered on their merits. My reaction to the hypothesis you gave is that we would look closely as to whether there was still a sustainable good reason for the certificate continuing.

Let's for the sake of the discussion postulate that the person had not shot for five years and indicated that he still intended to shoot. Or let's even change it and let's say he didn't intend to shoot but he said "I want the opportunity to shoot in the next five years". If I have understood you correctly, the officer who was making the enquiry would say "Do you intend to shoot?" and if their applicant is being honest, he will say no, he doesn't intend to shoot but he wants the opportunity. You would in those circumstances refuse the application? - No, what I said, sir, was that we would look carefully at the validity of the continuing good reason. If he was not actively taking the opportunity to shoot, if he was de facto a lapsed member, a dormant member, of a club, we have in the past revoked.....not revoked but failed to renew their certificate. If there was an argument, /

argument, and again I am being hypothetical and just trying to be practical at the same time, if there was an argument that he intended within the five-year regime against those circumstances, my advice would be to ensure that that intention was fully validated. That would certainly be my view in these particular circumstances.

How would you validate that interpretation? - Then I think you would have a follow up with the club and the individual.

And what would you do if the intention was not materialising? - If the intention was not materialising, there is a difficulty in law in as much as, as I said, there is no power to revoke at present and that anomaly needs to be resolved, so I think there has to be almost good faith on both sides that that reason is going to be fulfilled.

Taking an extreme situation; where an applicant says "I don't intend to shoot, I simply wish to have the opportunity to intend to shoot and I thus have joined a club and I am a continuing member of that club", how would you be able to refuse that application for renewal within the terms of the guidance? - I think there is a difficulty if there is a strong argument from the individual that he wishes to exercise an opportunity because that is almost a practical impasse I would say.

So as long as the applicant indicates a desire to retain the opportunity to shoot and is a member of a club to demonstrate that he can fulfil that opportunity, you don't really have very much option but to grant the renewal? - There is not a lot of option but I think you have to not automatically go to renewal. I think you have to look more fully at the circumstances and you would look behind that statement with the scope to seeing how tenable a view that had been. If he had been inactive throughout or he had not acquired any of the weapons he sought to acquire then I think there is an issue there on the validity of the application. That is a personal view. I don't say that any other person would necessarily subscribe to that but it de facto seems as a dormant member and he is hanging on to authority to acquire a particular weapon with no clear intentions to acquire it, I think there is a test of good reason. That is a personal view. But if he is intending to exercise/

exercise the entitlement that is conveyed in relation to the condition and the guidance, as you pointed out at (e), "Has regular and legitimate opportunity to use the weapon for target practice", I couldn't quote any case law on how that has been interpreted but this document is a guidance document. It is not a mandatory document. That has to be understood and as a Chief Constable I would certainly look behind the rationale of this individual before I would renew his certificate in any circumstances.

BY LORD CULLEN: Of course, the passage we are looking at, which is 6.8(e), really begins by telling you what you are not to do? - Yes, it should not be granted unless he has regular and legitimate opportunity.

But it doesn't tell you what the test is to be? - No. Going back, sir, to the point that was made earlier. There is an absence of definition of good reason.

It is a bit unfortunate there is so much discussion about what is meant to be a guidance document? - Yes, that is a fair point, your lordship.

CROSS-EXAMINATION CONTINUED BY MR.

TAYLOR: If the applicant had authority to possess and did in fact possess say three or four guns of different calibres, would you expect the enquiry officer to ascertain if the applicant was making use of each and every one of these weapons? - I think there is a need to demonstrate good reason for each of the weapons. In practical terms, that is with the applicant and enquiry officer. Again there may be a practical difficulty in wholly determining the extent of use. It might become obvious from exchanges in relation to ammunition for example. That might be one guide to it but there is I think again a practical point of good faith in relation to the applicant and the degree to which the enquiry officer can go behind that issue.

Because there would not be any way of checking whether or not a particular firearm, a particular gun, was being used by the applicant on a regular basis? - Not conclusively. Not conclusively, I don't think.

Because/

Because whilst clubs may keep checks on those shooting there from time to time, would I be correct in thinking they do not keep checks on the weapons which are shot on any occasion? - I wouldn't think there was any definitive record of that.

My colleague, Mr. Bennett, will be able to cast more light on that particular question, though.

RE-EXAMINED BY MR. BONOMOY: On the question of the private ownership of weapons, are you actually suggesting that people should not own their own weapons, quite apart from the question of where they are kept? - This, sir, was in relation to the automatic weapons and having them raised to the prohibited category.

Well, I am also thinking about what you suggest would be available target shooting weapons in the ordinary course, that is the .22 weapon. Are you suggesting they should not be in private ownership? - No, I didn't suggest that.

That is all I wanted to be sure of? - No, for clarity, we saw them being certificated but we see prohibited weapons perhaps to be in a slightly different position.

GRAHAM BENNETT, (53), Sworn,

EXAMINED BY MR. BONOMOY: Are you the Depute Chief Constable of Fife? - Yes, I am.

How long have you held the post you presently hold?  
- Five years.

How long have you been a serving police officer? -  
33 years next month.

Can you take me through your years of service please.  
Just a short summary? - Yes, I was a beat constable for three years and then I was a Traffic Officer in the Patrol Department for four years. I was then a detective constable for four years and then with 11 years' service I was promoted to detective sergeant. I was then after three years promoted to uniform Inspector and after a further one year I was promoted to Chief Inspector and then I was Chief Inspector in a sub-division for three and a half years and then I was promoted to Superintendent/

Superintendent rank for 11 months and then I became Chief Superintendent in 1984 as Divisional Commander for the Western Division of Fife Constabulary. In 1987 I was appointed to the post of Assistant Chief Constable in Fife Constabulary after having been Divisional Commander for three and a bit years. Then in 1991 I was appointed to my present post.

Now, has your whole service been in Fife? - Yes, it has.

In your present post do you have particular responsibility for firearms? - I have.

What are these? - I am the officer who is responsible for the issue, grant, renewal, revocation, refusal and consideration of all matters in relation to firearms and shotguns.

During the rest of your service did you have any responsibility in relation to firearms? - Yes, as Inspector I was responsible for firearms administration in a sub-division. As Chief Inspector I was responsible for the overall firearms administration. Then at Superintendent level and Chief Superintendent level in the absence of the Depute when I was the Assistant Chief Constable.

I think you are also a member of the body known as ACPOS? - I am.

And you have held the Chair, is it, of a sub-committee in connection with the particular subject we are dealing with, the submission they have made to the Inquiry? - That is correct, Mr. Bonomy. I am Secretary of the General Purposes Committee, my lord, and that General Purposes Committee deals with firearms issues and by virtue of my position on that Committee, which I have also held for five years, I was asked to Chair its working group on the joint submission of evidence to Lord Cullen. I also Chair the ACPOS sub-committee which is called the Administration Officers' Committee and that committee is, as I said, a sub-committee of the General Purposes Committee and we deal with matters relating to the administration of firearms in all Forces. We meet six monthly and I have some of the Minutes of these meetings with me if Mr. Bonomy wishes to see them or if Lord Cullen wishes to see them.

What/

What I want to do just now is to ask you about particular issues and the practical problems that arise from them and the first one I want to ask you about is the enquiry form that is used by Forces when they are making enquiry into an application for the grant, renewal or variation of a Firearms Certificate. Has any recent consideration been given to the idea that the forms used should be uniform throughout the country? - Yes, we have been in recent weeks looking at this but we have not taken this on board yet, Mr. Bonomy, and we think it is required to be taken on board and to have a standardised application filling in form for all enquiry officers, whether police or civilian.

The forms obviously pose certain questions or at least the ones we have seen pose questions. I take it that is in itself fairly uniform? - Yes, it is.

In your experience do the forms provide much guidance to the officers about the enquiries they are making? - Not really, no.

Do you think that is one area in which the forms could actually be improved? - Yes. We do for example in my Force have civilians. Our Department for the grant and renewal of firearms and firearms administration is totally civilianised so in the selection procedure we ensured that the people we chose had a previous life with an interest in guns or knowledge of guns and weaponry and explosives preferably but I do think there is a need for a checklist of questions to be asked instead of just the Yes or No situation.

So we are looking for more specification basically in the answers and more specification given in the guidance to the officer asking the questions? - That is correct. I have to add that while the checklists are mainly Yes or No there is nothing to preclude the officer, a police officer or civilian, from putting any further concerns or information alongside the Yes or No.

I think it may be recognised that the more experienced the officer is in relation to firearms the less guidance he might need but I'm concerned at the situation at the moment where in many Forces it is the beat constables who are being asked to conduct/

conduct these enquiries. Now, as long as that remains the case do you see force in the idea there should be more guidance given on the enquiry forms? - I do, yes.

Now, I intend to move on to the issue of appeals and the approach you take to appeals.

MR. BONOMOY: Sir, that might be best dealt with in the afternoon.

LORD CULLEN: Yes. We will resume at 2 o'clock.

After/

2 p.m.

After an adjournment for lunch.

EXAMINATION CONTINUED BY MR. BONOMOY: As I said to you earlier, we will return to things which could give rise to an appeal, and I am thinking of refusing an application or revoking a certificate. I think in your present position, you have responsibility for taking these decisions? - I have.

How long has that been the case? - Five years as Deputy, and in the absence of the Deputy Chief Constable, between 1987 and 1991.

Before we actually get into refusal or revocation, can you tell me whether there are circumstances which do arise during the life of a certificate, in which action may be required, but that action is not revocation or refusal of an application for renewal, but it is something shorter really? - Yes; on occasions a file is brought to my attention by the officers under my command which gives them cause for concern, and sometimes when I look at that file, I issue that person, the applicant or certificate holder, with a warning letter.

Can you give me an example of when you would do that? - If the shotgun or firearms certificate holder, if it is brought to my attention that he has sustained a minor conviction or for example for drink driving with a low alcohol level, or for example if he has been convicted of a small breach of the peace, a minor breach of the peace, or an assault which is not serious, that has been disposed of probably in the District Court, and alcohol was not a tremendous issue, I would probably consider having regard -- I would look at all the papers and I would look at his previous record, and if his previous record was unblemished, I would consider giving that person a warning letter.

What sort of thing does a warning letter say to him?  
- Warning letters -- I do them fairly regularly, and it outlines that it has been brought to my attention that he is the holder of a certificate number such-and-such, or a firearms certificate/

certificate number such-and-such, and it has been brought to my attention that on such-and-such a date that it was reported to me that he had committed a minor offence or committed an offence, or had done something which was not conduct which I expected of and someone having a shotgun or a firearms certificate, I would bring it to his attention that if there was any further aberration on his character or if he sustains any further convictions, I will without any further hesitation revoke his certificates.

One of the issues that is highlighted in the ACPO S and the joint submission is the distinction between renewal and revocation in relation to the question of a good reason, in other words you cannot revoke someone's certificate just because he has lost his good reason. In your experience, has that presented any practical difficulties in administering firearms in Fife? - The whole question of good reason causes me as a Chief Officer considerable difficulty, but I think what you are getting at is that at this moment, if someone is a member of a gun club, that he doesn't go shooting, and he has a firearms certificate, I cannot remove or revoke his firearms certificate because of lack of good reason, and in our evidence, we would wish that to be changed.

But have you come across situations where you felt you should be revoking it because of the departure or the loss of the good reason, but you have been unable to do it? - Yes, I have come across circumstances.

That is a practical problem? - Not an everyday problem, but it is a practical problem.

Now, there are obviously a whole variety of circumstances in which you might decide to revoke someone's certificate. Can I ask you, however, whether you have in the past revoked certificates because of behaviour which did not amount or which did not result in a conviction, but which you considered was such that revocation was the appropriate course? - I have, yes.

Can you give me any examples of that type of situation? - Yes; I have two or several examples I brought along with me, and I will not use names, but in 1993 I had a person applied for a shotgun/

shotgun certificate, and he had previously held a shotgun certificate and did not renew it in 1986. The man was 70 years of age and I was not happy with the attendant circumstances of his application, and this, I said, was for a shotgun certificate. I had considerable enquiry made and had statements noted from all police officers who had been involved with this person, and he was a cat lover, and he had told police officers in previous years -- it had been noted in Intelligence and mentally -- that he was going to one day get a gun licence back and shoot these dogs that were tormenting and had killed one of his cats. However, that was in previous years, and in 1993 he applied for, and the police officer, a constable, made enquiry, and reported to me that he was not happy that this chap could provide a good reason for having possession of a shotgun, and one other supportive factor was that a member of his family was not totally overwhelmed with happiness that he was applying for a shotgun, and then the next stage was that I gave an Inspector an instruction to go and see him and discuss the matter with the applicant, and the Inspector then reported back to me that the applicant was short of breath; he lived up a stair; he had not sufficient -- in his opinion, in the applicant's opinion, he had sufficient security, but the Inspector's report indicated to me that the security was totally inefficient and insufficient, and the other factor to be considered was that he was breathless and he was very agitated when the Inspector challenged him about why he needed this. The end of the story was that I refused to grant him a shotgun certificate and subsequently went to an appeal before the Sheriff Court in Dunfermline in 1994 with this case, and I was asked to give my considerations, and I said that that was because he was 72 to 75, 72 years of age, and he would be 75 before the expiry of these certificates; he was breathless; he was anxious, agitated, shaking, and he was not then fit for his age, and I gave my evidence, and the police officers gave their evidence, and the Sheriff made a pronouncement that I had not acted improperly.

There is a number of factors in particular obviously that justify the decision you took. Do you have even from memory any examples where either refusal or revocation depended solely on someone's conduct, but there was no conviction? - Well, the one I have just spoken about was on conduct./

conduct. It was not on a conviction.

But it sounds as though, in addition, it depended on his being unfit to be entrusted with a firearm, and possibly because he was dangerous? - Yes.

And he didn't have a good reason either? - Correct.

So there were a number of factors there? - But he still felt so passionately about the fact he wanted a shotgun certificate that he took it to appeal. I had another one regarding a man from another part of the Force area who again previously held a shotgun and firearm certificate, and every time his life went into crisis, he did something; he tried to commit some form of injury to himself by taking of tablets or by taking of something else to hurt himself when a crisis came in his life, and he was diagnosed as having bipolar disease, which is a form of controlled schizophrenia, and he surrendered his firearm and shotgun certificate when he had one of these crises in his life some years ago. He had several warning letters from the Deputy of the day away back in the 1980s, so in 1983 he had filled in a form requesting renewal and he had said that he had suffered from no form of mental disorder, and as Deputy Chief Constable, I would like to say to you that I believe that this is a particularly difficult question because I have to satisfy myself as Deputy if someone suffers from a form of mental disorder, do they appreciate that they do suffer, or do they care to admit that they do suffer, so I had to consider this, is he aware that he suffers from a form of mental disorder? Anyway, this chap applied for a shotgun certificate some years later in 1993, and I refused it on the basis of his previous life, which I have described to you. The constable's report said that the applicant was not in a fit mental state at this moment to be the holder of any weapon, and he felt it was unlikely in this situation that this would change in the foreseeable future. However, his doctor, who I engaged to tell me in confidence -- I got a certificate signed by the applicant to allow me to approach his doctor -- his doctor said that he was under prescribed medicine for his illness, and at present -- I underline at present -- his mental state is stable and is under regular review, and that he was of the opinion/

opinion that he could have a certificate, and I then could not come to terms with that by virtue of the fact -- the doctor then agreed with me if he failed to take his medication or if he ran out of medication, or if any crisis happened in his life, what did I have to do then, so I then went to my police surgeon, and the police surgeon, while she did not examine the applicant, she was able to give me a diagnosis that the bipolar disease is a disease which you have for life, and she would not have recommended that someone get a firearm or a shotgun certificate, so on the basis of that, I refused these applications for certificates from this applicant, and it was again going to a Hearing, and on the day of the Hearing, his solicitor withdrew the application for appeal to the Sheriff at Cupar, and that was that one finished.

Is it common for you to want to get additional information from doctors? - I now regularly consult the police surgeon about additional information about mental illness or mental problems.

Are you entitled to go asking an individual applicant's doctor about his background? - Only with a mandate signed by the individual applicant.

And apart from the case you have just told us about, have you sought on other occasions mandates from applicants? - On the odd occasion over the last five years.

And have they always agreed? - No.

What I am concerned about, as you will appreciate, is to try to identify circumstances in which in your experience you may have had to act on the strength of material you couldn't substantiate for sure. Have you any experience of doing that? - I have experience of trying to do it, but for a variety of reasons, have been unable to do it.

Can you help us then with an example of that? - Well, I know only of the Hamilton case, the Dunblane case, which I have learned from colleagues and learned in the paper, so I have not a deep knowledge of it.

Lay/

Lay that aside and try and give us an example of the problems that you have faced trying to deal with unsubstantiated material which is to the detriment of the applicant or certificate holder? - This is a painful area for all senior police officers. When I get a file to me on the basis that you have just described, I always return it to the enquiry officer with a list of questions asking for further enquiry to be made, and it's not being awkward; it's just a case of trying to gain every aspect of criminal intelligence or anecdotal stories or anything that can help me to make a judgement, but on occasions, whilst I have been unhappy to grant or renew, I have had to grant and renew because my gut feeling has not been corroborated by other evidence which would have been of help to me to take the thing through revocation or refusal.

Say for example you had information from officers that someone was suspected of committing an offence with a firearm, but you had no hard and fast evidence of that, would that be enough for you to make a decision? - That's a situation where -  
- was there corroborated evidence that he was suspected?

No? - Was he a person who made an allegation that the person pointed or presented a gun at him? Was he a credible witness? Was she a credible witness? I would have to go into all the aspects, for example.

For/

2.20 p.m.

For example, I must use the test of fairness and reasonableness, and I have to look at every aspect available to me before I make that determination. If evidence is uncorroborated it might be someone trying to make things difficult for the applicant at grant of renewal.

Does the prospect of having to face up to a reassessment or a consideration of the position by the Sheriff affect your judgment at all? - It does not affect my judgment, sir.

In what circumstances would you expect a Sheriff to interfere with a Deputy Chief Constable's decision about a Firearms Certificate? - Only if the Deputy Chief Constable or whoever signed the certificate has in the Sheriff's opinion acted in an unreasonable fashion. I personally have not had a decision overturned by a Sheriff.

Could I turn to something else? Access to homes of applicants when your officers are investigating applications: are they entitled just to turn up and demand entry? - No, not at this moment.

Would you like the officers to be in a position to do that? - That is one of the parts of the submission from our Association, that we would like our officers to be able to make spontaneous visits.

Now, I know that on occasion this happens. If the officer has made an appointment with the person's spouse or his girlfriend and that person has not handed on that information to the applicant the police officers or civilians in our Force can turn up at an unguarded moment and find things they are not happy with.

What advantages do you see from being able to insist on entry? - The advantages are that the applicant or the person who is having the visit is not in a position to have everything locked away, if he is careless and not professional in his management of his weaponry, ammunition, he can leave things lying about, he can leave things behind doors, he can leave things in a state of readiness instead of having his weapons properly locked away and safe.

At/

At the stage of carrying out such an investigation in relation to either an application to grant or to renew do your officers make contact with the clubs at which persons interested in pistol shooting actually do their shooting? - My officers do, yes.

Do they always make contact with the club? - Yes.

What is the purpose of that? - It is to check if the applicant for grant or renewal is in a position to be allowed access. Is he a probationary person at the club, has he finished his probation period, has he turned up regularly? Is he a regular shooter? Is he okay? Do they know him? I know that the records of these clubs are not as we wish, and part of our submission is to tighten and improve that. We have approved clubs and clubs that are not approved. Approved clubs can provide ammunition, and.....

What would be the advantage to the police if all clubs were approved? - At the moment we have a good idea, but we do not know the unapproved clubs. In relation to a person like Hamilton, if we tightened up rules and conventions for approved clubs a person like Hamilton if we still had unapproved clubs could go along to an unapproved club and gain access to the weapons legitimately held at the club and use them, and we would not know anything about it.

Is there not always someone associated with a club who is a Firearms Certificate holder who is responsible for the weapons? - Yes.

Are there any clubs in your area you do not know about? - That is the very question I was addressing to myself this morning. I don't know; there could be.

BY LORD CULLEN: You were asked some questions about the right of entry for police officers, and I think you were in favour of that? - Yes.

Would you apply the same comment to civilians? - Yes. Civilian police staff? I would.

At/

At the moment I have got the police officers with me. For example, if a man is alleged to have beaten up his wife and we know that officers going there have a knowledge that this person is a Firearms Certificate holder, if this person has committed a fairly serious crime we would want them to take possession of his weapons at the time.

Now, sometimes we take civilians along with police officers, and the police officers use their powers under the Police (Scotland) Act to take these weapons under their powers at common law to make sure this person cannot do any further harm to anyone in the house, and I instruct that these weapons should be taken possession of at this time. Recently I applied to a Sheriff for a warrant to take weapons.

You are in favour of some form of right being applied to civilians as well? - Yes.

That would require some new statutory powers? - Yes. Under the Police and Magistrates Court Act through this Firearms Consultative Body we made recommendations to the Scottish Office a few years ago.

Prior to the Police and Magistrates Court Act, if civilians found a weapon in one part of my Force area he had to get a police officer to convey that weapon to Police Headquarters.

That Act has now been changed to allow that civilian to convey these weapons. We would wish civilians to have the powers to take possession of weapons on entry.

#### EXAMINATION CONTINUED BY MR. BONOMOY:

How do you envisage the improvement of records kept by clubs to help the police? - There are several areas I would like to see improvements in, and these are -- at the moment there is something like 10,300 handguns in Scotland, and if Parliament or Lord Cullen supports our recommendations that would come down to about 500 odds, we estimate, single-shot pistols. We don't see this as being a change overnight; it would be a change over a substantial period, to bring firearms clubs into line with our proposed new legislation.

We would say that single-shot weapons, people with multi-shot weapons would want to have a variety of other single-shot weapons, so the number of weapons would go up from 500, but it would certainly/

certainly be substantially reduced from 10,300.

We feel that proper records would allow us to know how often a person with a Firearms Certificate shoots his weapon, how much ammunition he uses with that weapon, and I would want an accountancy position in the records, that the Secretary or someone with responsibility within the club would count ammunition, the same as we do in firearms training at the moment, where we count out the ammunition, and P.C. Bloggs gets 100 rounds for his training, and he has then to produce the shells from the weapon he has fired, and they are counted back in. We would want the same control on rifle clubs and pistol clubs.

In connection with appeal procedures, do you feel that the present powers to remove weapons pending a decision on appeal or revocation are adequate? - No, they are not adequate.

Why is that? - I would like Parliament through Lord Cullen to give us the power to remove these weapons, and to send a letter to the person I suspend -- I would like the power to remove these weapons at that stage from that house or that building.

The letter you wrote is to what effect? You are talking about revoking the certificate? - I am talking about suspending it, suspending the person from carrying out further hobby or sport with his weapon.

Does that happen at present? - I do that at present.

What happens to the weapons at that stage? - He is supposed to hand them over to a firearms dealer.

And if he fails to do that? - Usually they do. On an odd occasion I have had an assurance from a solicitor that the weapons would be safe and not be used until the next stage of the procedures took place. So I would like powers to take these weapons at that time.

Now, I would like to be clear about the area we are in. Is the course you would simply take not simply to revoke and require the holder of the/

the certificate to hand in or surrender his weapon? - I revoke before the person goes to court on the charges he is alleged to have committed.

Do you have the power of suspension of the Firearms Certificate? - I suspend the Firearms Certificate until such time as he or she, the police officers, can finish their enquiries for a few days, then I assess the situation, and I then revoke.

Is that something you can only do with the co-operation of the individual applicant or certificate holder? - That is correct.

BY LORD CULLEN: You have no legal powers to suspend; is that right? - No. I don't want to revoke, however, until I have made sure that there is evidence for me to proceed with revocation.

EXAMINATION CONTINUED BY MR. BONOMOY: We have heard some evidence about this sort of procedure already; it is not unique to you. You are suggesting at the moment you would need the co-operation of the individual who satisfies you that his weapons are securely out of his reach pending your decision? - Yes.

We have heard it suggested that in at least one Force arrangements might be made for weapons to be handed in to a firearms dealer? - That is what I encourage the person involved to do.

Do you see there being some advantage in there being a power to suspend while you are finalising your enquiry? - Sometimes there is a fairly substantial period of time. We have one ongoing at the moment where another investigation team for example from another discipline called at a house in relation to another enquiry, and they were so concerned about what they found in that house regarding weaponry that they came along to me. I then sent a team of officers along.

I was in a great dilemma: "Do I take these weapons?". The person was depressed. "Do I leave them at home with him?". I gave my officers a letter to take these weapons until they sorted out what he legitimately had.

Now, we had a tremendous job sorting out which were real weapons, which were replicas, which was homemade ammunition, which was live ammunition and/

and which was false ammunition.

What powers were you exercising in giving that letter for the purpose of removing these? - Under the Police (Scotland) Act, to prevent further public disorder or crime.

Now, Mr. Cameron suggested it is to you I should direct any questions I have about advertising applications. If a person applies for a Firearms Certificate and there remains the possibility that he can keep the firearm at home -- if we just assume that for the moment -- is there some risk in public advertisement of an application that it simply draws attention to the fact that that house has a gun in it? - The Police Federation, the Superintendents' Association and my Association had considerable difficulty with this in our debate. We discussed it for a long time. We came down and said "Yes, we must look at this, but in the risk of criminal activity, looking at the papers, particularly the local papers, to see who was making application, and the weaponry, the benefits of that might be outweighed by the disbenefits, and we recommended that should not happen.

So you were in favour of not recommending advertising? - Yes.

Would the position be different if guns were kept not at home but at clubs? - Absolutely.

I take it there is some benefit in informing the public so if anyone has an objection on the basis of character, for example, they would be able to state it? - If our recommendation was taken on board by Lord Cullen and Parliament that weapons should no longer be kept at home, it would be probably an advantage for people to have to advertise in certain circumstances, to tell the public, their neighbours, etc., that they were applying for the grant of a Firearms or a Shotgun Certificate. The main criterion we were considering was that we did not want criminals to be aware of where even under proper security weapons could be held.

There are a number of provisions in the 1968 Firearms Act which provide for the possession of firearms without holding a certificate: there are/

are various exempt categories. If a person becomes a prohibited person because of a conviction is he also prohibited from possessing firearms under one of these exempt categories? - I am not quite sure what you are getting at.

You know there are various people such as auctioneers, slaughterers, theatre and cinema performers and also persons connected with ships and aircraft who may possess firearms without certificates? - Yes.

When a person is a prohibited person, cannot get a Firearms Certificate, can he hold a firearm under one of these other provisions, albeit he would be prohibited from having a Firearms Certificate? - I am sorry, I should know that, but I don't know.

Forgive me for asking the question. I thought it was contained in the joint report, but I may have misunderstood.

Do/

2.40 p.m.

Do you have the joint submission there? - Yes.

If you have 2.2.197, it is certainly touched on but it may be it is not put in the way I was inviting you to address it? - Page 49, 2.2.197?

Yes. In any event, we call all consider that for ourselves later. Thank you, Mr. Bennett? - Thank you.

CROSS-EXAMINED BY MR. CAMPBELL: Just very briefly; you were asked certain questions by my learned friend, Mr. Bonomy, in the context of the kinds of circumstances which might prompt you to revoke a firearms licence or refuse to grant one. I don't want to deal with this in detail with you but rather talk about the general topic in the generality if I may. Witnesses have given evidence at this Inquiry to the general effect that in the absence of something hard and fast or in the absence of criminal convictions or in the absence of something which will stand up in a Court of law, that kind of thing, it is difficult to refuse an application for a firearms licence. Assuming that that kind of impression or view is held, can you help me with this; is there a general approach in police forces that an individual has a right to hold a firearm or to obtain a firearms licence, a right which must be rebutted by hard and fast evidence or however you want to put it? - Well, that is a long question but the fact of the matter is that I can't speak for what other Depute Chief Constables or Chief Constables do but in my Force area I don't feel a difficulty.....there are very difficult decisions to be made but I don't find a difficulty in worrying about an appeal, I don't find a difficulty in worrying about the cost of that appeal. I look at all the evidence that I can possibly get and possibly collate before I make a judgment but sometimes because of all the attendant circumstances, and just by virtue of the fact someone is a vexatious complainer about the police and different things, it doesn't allow me to have sufficient evidence in my mind and my own gut feeling to corroborate that to revoke or to refuse renewal or grant of a certificate.

Is/

Is that to an extent based upon a view that you have to have sufficient evidence which will in some way rebut a presumption that any individual is entitled to apply for and gain a firearms licence? - Yes. Well, if an individual meets certain criteria he is entitled to be granted that shotgun licence or firearms certificate and the two cases I went through with Lord Cullen and Mr. Bonomy did have sufficient grounds where I felt that I had a clear duty in my role as police officer in charge of Fife's firearms, a clear duty for the protection of public safety and the peace, to do what I did.

In your evidence you indicated, and I am sure we all understand this, that in considering these matters you had a duty to act fairly. Can I ask you this; fairly towards whom? - Yes, I have a duty to act reasonably fairly to the public out there, to my police officers and to the applicant.

Would you understand a view that if a senior police officer has a gut feeling that somebody is unsuited to have a firearm, weapon, in his lawful possession then it is unfair to the rest of the public who are at risk from this person that that should not be regarded as something to revoke his licence? - Well, I have got to say that on occasions I have gone against recommendations for refusal from officers under my command and the question is it is a test of reasonableness and a test of fairness.

Of course it is very difficult to talk about this in any other way other than the generality because would you agree that one man's unsubstantiated allegation is another man's clear evidence? - That is correct. Absolutely, yes.

So would you see any value in consideration being given in the course of any reform to making it clear, maybe if this was thought to be the correct approach, to making it clear that in considering whether to grant a firearms licence, in considering whether to revoke a firearms licence, when considering whether to renew a firearms licence, the only question is the suitability of the person and the other criteria and that that matter is not to be viewed in the context of any presumption in favour of the individual having the weapon? - Well, again I think that that is one way forward/

forward but, you know, we would like to see it much simpler but I don't know if it is as simple as that.

CROSS-EXAMINED BY MR. GIBB: Just one point that arises out of your earlier answers. You mentioned several times the question of corroboration. Is it your view that you do need some form of corroboration before you will find there is substance to information you have? - It is my view that it does not need to be a witness for corroboration. Corroboration, as you well know, can be derived from many aspects and facets but the fact is you can actually end up with a situation with credibility and you can actually end up with one to one, the applicant denying that he ever did a certain thing and yet an allegation being made by someone and I would look for some form of corroborative evidence to identify the fact that the person who is making the allegation could be believed. That is what I was meaning.

Let's assume someone makes an allegation and there is no conceivable source of corroboration of any sort but you are satisfied that the person giving you that information is giving you truthful information. Are you not entitled to rely on that without insisting on any actual corroboration in law? - Yes, if what you are saying is correct, that the person is a completely reliable person and can give very good evidence to the effect that he or she saw a specific incident, I would have to take strong cognisance and consideration of that.

We have heard a lot of evidence in this Inquiry about some need for corroboration but I think you would accept corroboration in fact is itself a red herring? - No, it not a red herring. If, and I use anecdotal hypothesis, if I received evidence that one person was everything you are saying, was entirely credible and this, that and next thing, that would not necessarily allow me to believe that I had to believe that person's side. I have to consider the other person's side. I have to try and draw a distinction. Is there disharmony or acrimony here between the two? What caused this person to come forward with this? I don't think it is a red herring. I think in terms of fairness I still require to look at all the aspects.

You talked about the question of....  
you/

you were properly asked by Mr. Campbell about the question of fairness? - Yes.

If in fact you have an applicant who categorically denies something happened and you have from one source and one source only, one credible and reliable source, that something did happen which the applicant denies, are you entitled in your view to accept that uncorroborated evidence and for instance refuse certificate renewal or revoke the certificate or do you take the view in that event where there is a clear one to one that the presumption must be in favour of the applicant? - Well, with that very bold statement there I find myself in a dilemma but I would look at the previous papers pertaining to that file and having regard to all the circumstances the probability is that I would probably have to come down on renewing the certificate in favour of the applicant.

I can't help feeling there is confusion in the evidence we have heard about the question of substantiation of evidence as opposed to corroboration and there has been often the suggestion that without corroboration of something then there was no substantiation which would justify revocation or refusal to renew? - Well, my personal view is that I take a fairly strong line with grants, refusals and revocations. I have a consistent approach and a strong line. In the narrative you have indicated to me about one against one, I would have to be very careful. In fairness to the applicant I would have to be very careful that I did not err.

So even if your gut feeling was against the applicant, you would probably feel you had to grant? - Well, I have had a few gut feelings in five to seven years and I have had to grant them, yes.

CROSS-EXAMINED BY MR. TAYLOR: When somebody makes application for a firearms certificate, what do you find in the most common reason he gives for wanting to have such a certificate? - Gamekeepers and farmers which cause me less problems than others.

I am sorry, it was a badly framed question. I mean the firearms certificate to enable/

enable him to be in possession of handguns? - I beg your pardon.

Mainly target shooting. If someone applies for any other reason I don't normally grant it.

And where does the applicant normally carry out his target shooting? - Approved ranges.

And upon the application being made, what steps does your force take to ascertain if the applicant is a member of a Club? - Well, we normally call on the Club. I would say on all occasions I would demand that they call on the Club and see if this person has joined the Club, if he is coming up to the criteria the Club set, is he doing a probationary period and follow it up from there.

And when that person's application comes up for renewal and if he is able to furnish you with a membership card say and a phone call to the Secretary of the Club confirms that membership has been maintained, do you need to take any further steps? - Well, it is more than just a phone call. The phone call ask and elicits several questions. Is he a regular attender? Is he a good shot? Is he complying with the disciplines in the Club? Is he trying to better himself or is he just going through the motions? We can get a lot of intelligence back from that.

Is this something which has recently been introduced into your force following the events of the 13th March? - No.

When enquiry is made at the Club do you ascertain what guns he is using at any time? - Well, no, this is a problem again because sometimes I have had to issue firearms certificates for people for three guns for one discipline and that does not rest easy with me but sometimes they make arguments that you may have a gun for 25 metres, you may have a gun for 50 metres and the sights are zeroed in for that discipline and they need a gun for a spare gun and as you will see I think from the Home Office, Scottish Office, evidence that sometimes they make arguments that one person could have up to seven guns for one discipline. Now, I have these people in my force area and I am not particularly happy with that but when I phone or my staff phone the Clubs, the Club can't tell us what guns are being used/

used at the moment but I think we should have a register that tells us that guns A, B and C have been used regularly and gun D has not.

What test do you consider the guidelines give to police forces as to what will constitute good reason to have a firearms certificate? - The test is I have got to look at.....

Would it help you to have the Guidance before you? - Yes.

It is document D1 in Volume L? - Is the person unfit.....

I hope my question was restricted only to good reason and not to any of the other criteria which are set out? - Does he meet the good reason?

We will assume the Chief Officer of police is satisfied he is safe to have a weapon without being a danger to public safety and the peace and he is not of intemperate habits and he is not of unsound mind and he is otherwise fit to be entrusted with firearms so he meets these criteria. What do you consider the test to be to satisfy the one remaining criterion which is that of good reason? - I haven't found it here but the test that I can.....

If you look at Page 69 you might find some help. It should be Paragraph 6.8(e)? - Yes, regular and legitimate opportunity to use that weapon is the test that I adhere to and is in the Home Office Guidelines. Is that the point you are making?

Yes, so your interpretation is that it is regular and legitimate opportunity to use the weapons which are set out in the firearms certificate? - Yes. What I am not happy about is sometimes the number of weapons that these shooters say they require to carry out legitimate and regular opportunity. I think that they don't need so many weapons as they do but I am bound by the law to meet the application if they meet all the other criteria.

If the test is whether or not an applicant or a holder seeking renewal has regular and legitimate opportunity, why does it become necessary/

necessary to carry out a check as to whether he has been regularly shooting? - Because up until now people in Clubs, people who are responsible in Clubs, have not been phoning the police and telling us they have persons who visit their Club or a specific person has not been attending regularly or has not been shooting regularly and I think it would be a benefit to us if the responsible people in such approved Clubs were made to come back to us and say that such and such a person has been acting different lately, such and such a person has not been here for some time and in fact we have told a certain person not to come back. We don't have control of these things at the moment.

There are two things in there though, aren't there?  
There is whether or not the person has been shooting responsibly on the range and you would perhaps want to know about that in order that you could satisfy yourself that he is fit to be entrusted with a firearm. Is that an understanding? - Yes.

But if I have understood your evidence correctly, you also make enquiry to ascertain if he is making use of the Club?  
- Yes, we do.

And I was wondering why you seek to identify use given that all that one needs, looking at the Guidance, is to have a regular opportunity, a regular chance.

LORD CULLEN: I am not sure he quite says that is all that is required?

MR. TAYLOR: I will take out the "all".

LORD CULLEN: I think it is quite important we establish with the witness whether that is the exclusive test or whether it is something in the test.

MR. TAYLOR: I take your point.

CROSS/

3 p.m.

CROSS-EXAMINATION CONTINUED BY MR.

TAYLOR: You heard the exchange with Lord Cullen. Can you say what you consider to be the test or tests which would apply when considering whether somebody has met the "good reason" criterion? - The officers who are carrying out the enquiry on my behalf, my briefing to them is, are they legitimately using this club on a regular basis to go and carry out the discipline of target shooting. If the person joins and then does not pay any attention to his shooting in the future, that causes me concern. If the person develops into a Clint Eastwood type character I would wish to know that.

We have these people who want as a big a gun as possible, to shoot as big a target as possible -- preferably moving -- and to make as big a bang as possible. These are the tension indicators I wish brought back to my enquiry officers.

People can go for years to these clubs, and at the moment if we don't make contact with the club we get no intelligence back as to how they present, when they are performing in the target area.

I can understand how you would want to identify a Clint Eastwood character. If someone was applying for renewal and it was established that over the five year period they had not made use of the facilities of the club for four years and nine months, but during the preceding three months they had shot quite frequently, by which I mean once a week, what would you do in such circumstances? - That particular circumstances has not arisen to my knowledge, but what has arisen is that I have found out that people have not been shooting for a while, and I have caused enquiry to be made to see, and confirmed that on some occasions they have been working away from home, they have been working abroad, or it has not been possible for that person to undertake their chosen sport in Fife. I have satisfied myself that they still complied with the terms and spirit of the Act.

For example, if a man works on the oil rigs the period of time can be sporadic. It can be three months he is there, three months he is not there, and we have to take that into consideration.

If/

If over a five year period someone had indicated to you when making application for renewal that they had not shot during the period of their certificate just expired, but they still intended to shoot in the future and wished to retain the opportunity so to do, what would your position be in those circumstances? - Again that is a very difficult question. In my opinion, if he met all the criteria and was giving an assurance he was going to be shooting in the future it would be very difficult to turn him down.

If at the conclusion of the second period of the certificate he indicates to you he is terribly sorry, but he has been unable to shoot for the preceding three years once more, and the reason was pressure of work, domestic circumstances, etc., and he says "But I still intend to take up that opportunity", what then are you able to do if anything? - That is one of our recommendations, that we want that set of circumstances to come in.

What can you do at the present moment? - Not enough.

Can you do anything? - No.

Would you feel obliged in such circumstances to grant the application? - Yes, unless I could get my staff to talk him out of it.

Assuming he stands by his gun, so to speak, and is not to be talked out of it? - I would try and use negotiation to persuade people that they do not require these weapons. That is why we discussed it in our group. We have a problem.

If someone has several weapons of a different calibre what duties does the law impose upon any police officer when an application is made to renew a certificate in respect of these several weapons?

LORD CULLEN: Mr. Taylor, we can look at the law for ourselves. What is the point in asking this of this witness?

MR. TAYLOR: Well, sir, sometimes it helps if one knows how the law is being interpreted.

LORD/

LORD CULLEN: That is not quite what you were asking the witness.

MR. TAYLOR: In that case I will rephrase the question.

LORD CULLEN: If you think it is going to assist me.

MR. TAYLOR: I will bear that in mind, my lord.

CROSS-EXAMINATION CONTINUED BY MR. TAYLOR: If an applicant has several weapons on his certificate and he makes application for renewal of that certificate what do you have to satisfy yourself in respect of when you come to consider that application? - I have just renewed one at the moment, which did not give me great pleasure, where the person had permission to possess something like eight or nine weapons, pistols, and I put it back without signing it to have further enquiry made in order that we could satisfy ourselves that the man had a requirement.

There were only three different types of calibres of weapon, and a comprehensive enquiry was carried out and an interview with the applicant was again undertaken by the officers -- this all happened pre-the 13th March -- and the person ended up satisfying me he did require all these weapons to undertake all the various disciplines he worked with.

This is a very, very important issue. I personally am not a shooter, and I do not understand why people need that number of weapons, but I had to grant it.

Could you look at page 70, 6.8(i)? We see in the second paragraph that the Home Office requests that "good reason" requirements will need to be satisfactorily demonstrated in respect of each firearm; is that right? - Yes. If someone wants to shoot at 25 metres and 50 metres and he doesn't want to zero in each weapon and he then wants a spare weapon in case he is shooting in a competition and one jams or breaks then that is three weapons already.

And in your view that would be him satisfying the "good reason" test under the present guidance?/

guidance? - Exactly, yes.

RE-EXAMINED BY MR. BONOMOY: Can you clear up the rather confused question I put to you at the end of my initial examination? Could you look at paragraph 2.2.95, which is on page 28 of your submissions? Now, I asked you a confusing question I think in my examination about prohibited persons. Could you read please paragraph 2.2.95? - "Neither can we accept the notion that individuals who have been deemed unsuitable either by way of refusal or revocation or, indeed, where their certificate has been cancelled by a Court, can thereafter quite lawfully possess firearms by way of any of the exemptions provided in the Firearms Acts", and I subscribe to that.

Is that a paragraph dealing with the problem that certain people who do not hold a firearm certificate may nevertheless be entitled to possess a firearm in an exemption category? - Yes.

That may or may not apply to prohibited persons, but I think that where a person does not have a firearm certificate they may well be able to possess a firearm under that exemption? - Yes.

TERENCE McCARTHEY (55) Affirmed

EXAMINED BY MR. BONOMOY: I live in Argyll. I work as a Local Government Officer.

I think you are also an office bearer of the Scottish Pistol Association? - Yes.

What office do you hold? - I am the Honorary Secretary.

I think you have held a number of positions on your own local rifle and pistol club? - Yes.

Over what period of time have you been on the committee of that club? - Since 1980, as far as I remember.

What is your present position there? - I am the President of the club.

I/

I think apart from now being Secretary of the Scottish Pistol Association you have held a number of other positions on its Executive? - Correct.

You are also a particularly expert marksman; is that right? - I am a reasonably accomplished marksman, yes.

I think you held a position of coach with the Scottish National Rifle Team in Canada in 1994? - Yes.

Coach to what? - The pistol section of the team.

And the team consisted of which sections? - There were two pistol shooters out of a total team of 14.

What were the other 12? - There were four shotgunners, two full bore rifles and the remainder were small bore rifles.

Now, does a coach of pistol shooting require any qualifications? - One can coach without a specific qualification, but there are qualifications that you can take as a coach.

Do you hold a qualification? - I am an SP-qualified primary coach, which is a basic level coach in terms of qualifications.

I think you are also a qualified range conducting officer? - Yes.

Now, we have heard some reference to that earlier on in the Inquiry already. How is that qualification obtained? - One has to take a course run and organised by the National Rifle Association.

What is the purpose of the qualification? - To train people to operate, specifically at Ministry of Defence and Territorial Army ranges, as the person in overall command of the range. Their prime responsibility is to run the range safely and efficiently, in line with military requirements.

Is that different from being the range officer, who actually supervises the discipline as the/

the shooting is taking place? - Yes. The range conducting officer may still have a subordinate range officer working under him.

Does that mean that you as the range conducting officer for a particular range, or is it only a position you actually hold when you are out shooting on a particular occasion as a range conducting officer? - It varies. You can operate on any range throughout the country.

So that when there is shooting taking place you can be in charge of the range? - Yes.

Is that something you do regularly? - I certainly do it regularly in club terms. I have not done a large amount of range conducting on military ranges.

Are you a competitive shooter yourself? - Yes.

At any particular level that we might recognise? - I have shot for Scotland in one discipline.

So my earlier description was accurate? - It was some little while ago.

When was that? - That would have been I think about seven years ago.

Now, do you shoot a number of disciplines? - Yes.

How long altogether have you been shooting? - I started shooting in 1974.

What are the disciplines you have shot? What are the periods since 1974? - Basic club precision pistol, I have shot at most of the International Shooting Union events, I have shot police pistol, service pistol, classics and clay pigeon target.

What was the body you mentioned? - UIT, the International Shooting Union.

What does that stand for? - It is French: Union Internationale de Tir.

What/

What is the status of that body? - It is the world governing body for a substantial group of disciplines which are shot up to an automatic level.

Do you been at World Championships? - World Championships, World Cup, European Championships. All competitions under international rules are shot to UIT rules.

Are they the only body in whose jurisdiction competitions are shot? - No.

What other bodies are there? - There are a variety of national and international bodies.

In the UK? - In the UK there would be the National Rifle Association, the National Small Bore Rifle Association, the National Pistol Association, the Historic Breech Loading Small Arms Association, the Muzzle Loaders Association of Great Britain, and others.

Are a number of these bodies based at Bisley? - A lot of the shooting will be done at Bisley, the NRA and the NSRA headquarters being both at Bisley.

Does the UIT govern both small bore and full bore? - Yes.

Do their rules require that the weapons conform to particular standards? - Yes.

How are these standards determined? - Depending on the discipline involved. They will specify whether they are single or multi-shot, the calibres which will be used, the physical size of the gun, the minimum trigger pull weight and minimum and maximum sight radius and so on.

In determining the size of the gun is there a particular method used? - Yes, there is a box provided into which the gun must fit.

Do/

3.20 p.m.

Do any of the competitions run under their rules involve shooting at targets which have human shape? - No.

In whose jurisdiction do we find competitions of that type? - The only competitions which use human shaped targets would be Police Pistol, Service Pistol and some forms of action shooting.

What is the origin of these? - The Police and Service Pistol, they are based on former and existing police and military trained courses of fire.

When did they first develop? - That I couldn't really say. They've certainly been in existence since well before I took up shooting.

Now, do you presently engage in any of these types of shooting yourself? - Currently, no.

Is there any particular reason why you don't do it now?  
- My main interest has been International Shooting Union competitions and I gave up Police and Service Pistol mainly because I felt that I couldn't devote sufficient time to the wide range of disciplines and achieve the levels of expertise that I aspire to.

In your 19 years or so in I think club shooting as you describe it in your submission have you been aware of a growth in interest in competitions involving shooting at human shaped targets? - There has certainly been an increase in target pistol shooting overall. I think it would be fair to say that there is a strong participation in particularly Police Pistol which is a very popular discipline and shot by large numbers of people in competition.

Can you outline what that involves for us? - The Police Pistol discipline is a course of fire of 30 shots, the first 12 shots fired at 25 metres from the target in a time span of two minutes. The shooters then advance to 15 metres from the target in order to fire two series of six shots. Each series consists of one shot on each exposure of the target and there are six exposures. They then advance/

advance to 10 metres from the target where they fire a series of six shots where two shots are fired on each exposure of a target.

And that completes the series? - That completes the series.

And is it always that series of shooting or can it vary?  
- In Police Pistol 1, which is the most popular one, that is the series. There is also a discipline called Police Pistol 2 with which I am not so familiar which is shot at I think 50 metres and then shorter distances.

Now, you are or the body of which you are Secretary is a party to one of the submissions to Lord Cullen's Inquiry which is No. 51 submitted by the Scottish Target Shooting Federation? - That is correct.

And attached to that is a list of the types of competition? - Yes.

Now, it would be helpful if you could perhaps have that in front of you. If you have got your own copy that will do fine? - Yes.

Now, if you could perhaps go to Group E listing the police and service type competitions on page 23. We see there a reference to Police Pistol 1 and Police Pistol 2? - Yes.

And there are other disciplines there. Police Pistol 1 indicates that it can be done using any semi-automatic pistol or revolver? - Yes.

Whereas Police Pistol 2 is confined to revolvers, is that right? - Yes.

Is that just one example of the sort of information that is in this list attached to the submission? - Yes, that is correct.

And I think in addition the type of ammunition to be used is specified, the target and then the procedure that you have just given us? - Yes.

And then there are some comments and explanations which should assist the Inquiry, is that right? - Yes.

And/

And I think that you have provided that in relation to a whole series of different types of competition? - Yes.

Now, do we have here an exhaustive list of the types of competition that there are? - There may be one or two others but they will be of fairly minority interest.

In your period as an active competitive shooter has the number of different competitions increased? - Yes.

Significantly? - The number of competitions.....

I mean the types of discipline? - I would think certainly over the last 20 years there have been developments in what are loosely called action pistol shooting, Groups E and F in that submission.

Yes, the two end ones we have here? - Yes.

And that includes the Police Pistol you have just described to us? - Yes.

Is that the most popular of these? - Certainly in terms of numbers of competitors I would say Police Pistol 1 is one of the most popular disciplines in competitive shooting.

Of any calibre? - I think just in terms of overall numbers of competitor.

That is full bore competition, is it? - Yes.

Now, Group F lists or at least has one in it which is called Practical Pistol? - Yes.

Now, can you describe to us the nature of that competition? - The Practical Pistol form of competition is not a set series or a set format. It is a format designed to tax the ability of the shooter to shoot at different distances with either hand under time and various different types of target constraints.

Does/

Does he move to a different position? - In some parts of it, yes. In others they fire from a fixed position. That is why I say it is really a range of competitions which come loosely under the heading of Practical Pistol and courses of fire can be developed for specific competitions and specific ranges.

BY LORD CULLEN: Can you tell me what the IPSC target is? - That is the International Practical Shooting Federation.

What in fact does the target look like? What kind is it?  
- IPSC target is a double rectangle of plain cardboard. A large rectangle with a small rectangle on top of it.

EXAMINATION CONTINUED BY MR. BONOMOY: If human shaped targets disappeared from the scene, would that have a significant effect on competitive shooting? - I see no reason why it should. I understand that one or two of the European countries have prohibited shooting at humanoid targets. They shoot some competitions using a rectangular target with a disruptive pattern on it. If that were introduced here I would see no reason why that should present a problem to competitors.

If the calibre of guns or the range of calibre of guns was restricted to small bore, .22, would that have a significant effect on competitive shooting? - It would certainly mean that the rules of competition would have to be changed to cater for it and it would also mean those shooters who do aspire to international level shooting in the various disciplines would be prohibited from doing so.

BY LORD CULLEN: Is that answer on the basis it was semi-automatics but that would be restricted to .22? - Yes.

EXAMINATION CONTINUED BY MR. BONOMOY: That heralds the next question; if guns are restricted to single shot, would that have a significant effect on competitive shooting in this country? - It would effectively reduce the target pistol shooting to almost zero. There are only two or three competitions which can be shot with a single-shot firearm.

And/

And we see them in the schedules at the end of the submission? - Yes. Single-shot firearms would be the UIT Free Pistol and the UIT Air Pistol. A couple of branches of long range pistol and then domestic slow fire position competition run under the NSRA rules.

I perhaps should have asked you a little more in relation to your experience as coach of the Commonwealth Games Team. Has Scotland always produced a shooting team in the Commonwealth Games? - Yes.

Has the Scottish team realised any success in the Commonwealth Games? - Scotland has always won medals at shooting at any Games I can remember. In Canada they came away with a total of seven out of the 22 medals that were won by the overall Scottish team. They provided nearly a third of the medals.

Sorry, nearly a third of all the medals, did you say? - All the medals that were won by the overall Scottish team.

Now, in these Commonwealth Games what disciplines are shot by pistol or at least by handgun? - For handgun there will be four. There is the UIT Centre Fire which is a full bore semi-automatic course. There is the Free Pistol which is the single-shot .22 air pistol and UIT Rapid Fire which is .22 semi-automatic course fire.

So only one of these is full bore? - Yes.

Do you know whether in the Olympic Games there are full bore competitions? - The Olympic Games does not include full bore competition.

Can I take it that other world competitions, World Championships, under UIT rules do include full bore shooting? - Yes.

Are there European Championships under these rules? - Yes.

Including full bore competition? - Yes.

Are there British Championships? - Yes.

And/

And do they include full bore competition? - Yes.

Can I ask you then now about shooting clubs, particularly in Scotland where you have experience. There has been a suggestion made to the Inquiry that it would be better certainly from a policing point of view if all clubs were approved which is not the case at present? - That is correct.

Do you see any particular problem or difficulty about requiring all clubs to be approved? - I see no particular problem, no.

If it is suggested that far better records than are kept overall at present should be kept so that the use of guns could be more closely monitored and the extent to which people use them to be more closely monitored, would you agree that clubs would effectively have to be approved for that purpose? - I think that would depend on exactly what sort of records are suggested. Most clubs will have records of members' attendances. Those clubs which are not Home Office approved can only have members who have their own individual Firearms Certificates anyway. It is difficult to say exactly. One would have to come up with a specific idea of what records you would want to keep to comment.

Yes, effectively you are saying people who are not experienced at shooting and who want to take it up have to go to an approved club to begin? - Yes.

And it is only people who have Firearms Certificates who can go to one which is not approved? - That is correct.

But if you are going to have records kept of the use of weapons, the extent to which they are used, the amount of ammunition being used, particularly where there is self-loading or acquisition at the club, then there would have to be some recognition of the club in the first instance to start that exercise off? - I am trying to think of a way to comment on that.

Well, you see, we have heard some evidence.....? - If the club has its records and/

and if they need to be examined by whatever authority wishes to examine them, I don't see that they would need to be approved clubs.

We have heard some evidence to suggest that perhaps clubs may exist without the authorities knowing they are there at all. Do you accept that? - I would think that would be extremely difficult in that to all practical purposes, to have a Firearms Certificate for a handgun you have to demonstrate to the police good reason and the only normally acceptable reason is target shooting. When a grant or a renewal of a certificate is done the police will ask what club you are a member of and you have to tell them. It is difficult to see how a club could exist totally without the authority's knowledge.

Does approval by the Home Office of a club involve setting any standards for safety? - There is no specific criteria laid down on safety. The criteria for approval is that you have to have access to appropriate ranges and you have to have facilities for safe storage of the club firearms as against the individual members' firearms for which they are individually responsible.

You/

3.40 p.m.

You have got to satisfy the Home Office for that approval that you can secure the weapons? - Yes.

You would have to be confining your activities to Home Office-approved ranges, I take it? - No, not to Home Office-approved ranges: to ranges with an appropriate safety certificate.

From whom? - The Ministry of Defence.

Do all rifle and pistol clubs belong to umbrella organisations? - Maybe not all, but certainly the vast majority, because by joining one of the umbrella organisations they have access to proper public liability and contents insurance.

For instance, your own home club will no doubt be a member of the Scottish Pistol Shooting Association; is that right? - Yes.

Is it also a member of any other Association? - We are affiliated to the National Rifle Association, the National Small Bore Rifle Association and the National Pistol Shooting Association.

Is it a common feature of clubs in Scotland to have so many affiliations? - Depending on the firearms used. Small bore rifle clubs would only normally be affiliated to the NSRA: those who shoot pistols would be affiliated to at least one if not two or three of these organisations.

When a person wants to take up the sport and has approached the club can he simply come in on his own and state his case and hope to be accepted? - No. Under the current criteria they are supposed to find out where the club is or find the name of the secretary and approach the secretary, who will talk to them, and they would then have to have a direct invitation to visit the club for the first time. On that first visit they would be shown what the club does, and would be given a lecture on the safety and range procedures. On that first visit they would not be allowed to handle guns or ammunition.

Where/

Where are these criteria set down? - There is a Home Office leaflet on the criteria for approval of gun clubs.

Does that deal with how you accept members? - Yes.

After we have got to the stage of the first visit what happens? - On the second and subsequent visits -- we are talking about a novice shooter -- they will then be given basic shooting training, either one-to-one supervision from a qualified coach or a suitably experienced full member of the club.

Then what happens? - During the time they are on probation.

They are members right from the start, but not probationary members; is that right? - They are called probationary members. That probation can be either extended or terminated at any time, if the club considers they are unsafe or for any reason unacceptable in their premises.

Can you envisage a situation in a properly-run club where a probationary member could actually be the range officer one night when activities are taking place? - No.

In general, how long is the probationary period? - The probationary period has been specified by the Home Office criteria. Before the 1988 Act there was no specified period: from the 1988 Act it specified six months; and last year in the recommendations of the Firearms Consultative Committee the probationary period was reduced to three months: so the minimum period would be three months.

Is that the standard all clubs apply, as far as you know? - If they are Home Office-approved clubs they would have to apply that as a minimum.

Do clubs apply a longer period? - In practical experience one finds that if you have to extend the probationary period beyond three months it is unlikely that the person involved will be an acceptable club member.

BY/

BY LORD CULLEN: At what stage do the police become aware of a person's application for membership? - Only if that person applies for their own firearms certificate.

Could that person defer that application until quite a late stage? - Yes, it is possible for somebody to be a club member indefinitely, and use club premises, if they do not wish to purchase their own gun.

Could a person approach a club with a view to membership and go along to the various stages without actually becoming a member? - Yes.

In your own experience as a committee member what interests do the police generally take in the activities of individual club members when they are dealing with renewal of the firearms certificate of that member? - Generally the only contact the club has would be a call from an officer to confirm that the person is a bona fide member of the club.

Is no interest taken in how much shooting he has been doing? - Certainly there has not been, in my experience in the past.

And you have dealt with such calls? - I have not. I have never been the secretary of my club. It is the secretary who deals with them regularly.

You know that is the position from the secretary? - Yes.

Do you find clubs insisting on proposers and seconders for new members? - Yes.

Well, insisting, or is it possible to be accepted without being vouched by others? - The general practice is certainly to have either a proposer or a referee named on the application form.

Does that mean a person who is a member of the club proposing the new member? - Yes.

What would happen if you didn't know anybody in the club? - What would happen is that if they are a novice, a probationer, they don't have full/

full membership until they have completed their probationary period, and the referee, or seconder, by that time they would know -- whoever made the reference would have got to know the shooter.

That is at the stage of full membership? - Yes.

We have had evidence in the Inquiry of someone remaining a probationary member for ages. He would not have to be proposed or seconded? - I think for someone to remain a probationary member for more than three to six months would be exceptional.

A number of questions have been posed to you about the need to have more than one weapon of the same calibre. Can you indicate to us the circumstances in which a person like yourself might require to have more than one weapon of the same calibre? - Yes. Of the five UTI disciplines which I actually shoot, three of which are .22 calibre, it will need two different guns to be able to comply with the rules.

Can you explain that even in relation to one of them?  
- If I shoot UTI procedure on a .22 single shot pistol, if I shoot standard pistol or sport pistol I need a .22 five shot semi-automatic. That is different guns of the same calibre.

All right? - In addition to that, if you are shooting competitively one would often need -- I mean regularly competitively -- one would need a spare or a back-up gun in the event of breakage of a gun in competition, which is allowed under the rules.

When you go to a competition away from your home club do you take spare weapons with you? - Those who have them, yes.

Is it common -- how common is it to have a spare? - I would say a spare weapon would be reasonably common in the upper levels of serious competitive shooting. At the middling to lower levels, not necessarily.

So if we narrow this down to more than one weapon of the same calibre for the same type of competition, /

competition, the same discipline, apart from having one spare is there any good reason for having more than one such weapon? - If we are talking about a single discipline, no.

To give you a more specific example of that, if a person shoots generally speaking police pistol and uses a Browning semi-automatic pistol and has two of them, and one has a longer barrel, has a barrel weight and has a much lighter trigger because of certain adaptations done to it, and the other one is a standard model, is there any good reason for him having more? - If we are talking just specifically for police pistol, maybe not. But at the same time, by having another gun he would then be able to shoot other disciplines with it.

Which/

Which one would give him an additional facility? - Depending on which classification within the discipline he was doing. For instance, within Service Pistol there are three or four classifications that cater for different types of gun. It depends how enthusiastic the person is to shoot different classes. One could not give a definite yes or no answer to that.

Treating it as a hypothetical question, give me an example of the different uses to which these weapons might have been put within the range of disciplines you are talking about? - It would be more common to find a 9 mm Browning being used in Service Pistol.

Now, there are four classifications, and the basic classification is the competitions shot with a 9 mm Browning as issued to the British Army, therefore he will not be able to use the extended barrel and the barrel weighted gun in that class, while he would be able to use it in another class, which allows for it, and in which he may be able to produce better scores for that gun.

One suggestion that has been presented to the Inquiry is that weapons might not need to be kept at home but could be kept at the Club. Would that present any problems to a serious competitive shooter? - It would present problems not only to a serious competitive shooter but to a middle ranking shooter as well.

Why would that be? - It is common practice to travel to open competitions often quite great distances from your home range. A lot of competitions are held at Bisley in Surrey, both pistol and rifle.

Competitive shooters will travel there up to half a dozen times a year. They will also shoot in Scotland on many other ranges.

Once one had completed shooting, what does one do with the gun? Does it have to go back to the Club immediately? There are a lot of practical difficulties which make it onerous for the serious competitive shooter.

It would be possible I suppose to check the/

the gun out and check it back in, and there might be regulations to govern that allowing some leeway for collecting it and travelling with it and bringing it back. Could there be other problems resulting from not being able to keep your gun at home? - I think one of the problems is that you are then collecting large numbers of guns in specific locations.

Now, shooting ranges by their nature are often away from normal public access, to reduce any noise problems. In my own Club, for instance, if everybody had to keep their guns at the Club we would have well in excess of 300 guns, which I think presents a serious problem in terms of the fact that it would be a very attractive target for criminal elements and/or terrorist elements.

In relation to the training and practice you have to do as a marksman would there be any problems presented there if you could not take your gun home? - At a very basic level, no. Once one becomes reasonably proficient there are lots of difficulties.

One of the advantages of having the gun off the range is to carry out dry firing, to practice your aim and trigger pull without the release of a projectile with an unloaded gun. This is a practice carried out by every top class competitive shooter, and many problems would be.....I suppose you could still go to the Club and do it? - If you go to the Club you would be firing live ammunition if you are on the range. The whole point of dry firing is that you can practice away from the range.

Is that something you would do regularly if you were a serious competitor? - Yes.

BY LORD CULLEN: Is this once a day, once a week or what? - I would think certainly two or three times a week would be quite normal. The really top class people do it every day.

EXAMINATION CONTINUED BY MR. BONOMOY:  
Can you tell me the nature of the Club premises at your own Club?  
- Our Club is a 25 metre pistol and rifle range. The actual firing range is a block-built building. The Club House dated back from the inception of the Club 50 years ago, and is basically a/

a timber Home Guard hut. Bearsden's original name was the Bearsden District Home Guard Rifle Club.

Is it also a social club? - No. We provide such things as access to soft drinks, coffee and biscuits, but that is about the only social aspect to it.

Is that a fairly standard situation, or do Clubs vary greatly in the facilities they provide? - There is quite a wide range of Club facilities. Most Clubs will consist of a range plus a Club room: some may have a separate room to be used as an armoury for Club firearms; some will just have a large stout safe in the corner of the Club room. As a generality, a range plus a Club House would be typical.

In/

4 p.m.

In a clubhouse of the type you have described? -  
Some will be. The more modern ones will be brick or block built. I  
have seen them being made of corrugated iron.

BY LORD CULLEN: How many handguns does the  
club hold for the use of members? - My own club has nine.

And I take it supplies of ammunition as well? - Yes.

EXAMINATION CONTINUED BY MR. BONOMOY: I  
see in your statement you do mention at paragraph 3.6 that there  
has been an increase in pistol shooting over the period you have  
been shooting. You describe it as a significant increase? - Yes.

In target pistol shooting and you also say a large  
proportion of the increase has been in the popular police pistol  
discipline, service pistol and various forms of action pistol? - Yes.

So is it fair to say in the last 20 years just in general  
terms there has been a significant increase in these disciplines? -  
Yes.

Can I ask you a little about ammunition. One other  
possibility might be the storage of ammunition only in club premises.  
What particular problems would that pose for competitive shooters?  
- I think exactly the same problem as if the guns were stored there.

Well, that is a security problem. Let's leave security  
to one side? - No, also for travelling. Storing ammunition there  
presents exactly the same problems to a shooter as if the guns were  
stored there.

Now, there are different ways of dealing with  
ammunition depending on whether it is small bore or full bore? -  
Yes.

In relation to small bore ammunition, that is all  
commercially produced, is that right? - Yes.

Nevertheless, /

Nevertheless, do competitive shooters experiment and work with small bore ammunition to find something that gives them that bit extra in competition? - It is quite common to try different brands of ammunition and within a given brand to try different types. The common brand in Britain is manufactured by Elio and they make about 12 different sorts of .22 ammunition, some of which is tailored to rifle, some of which is tailored to pistol. It is common to experiment with the various types and brands to see which one gives the best inherent accuracy for the particular gun that you are using.

But that would be done at the club? - Oh, yes.

And ammunition at the club would be no problem in that regard. Turning to full bore, people can actually reconstitute their own ammunition? - Yes.

Is that done at the club or at home? - Normally at home.

It could be done at the club, is that right? - It could be done at the club but for safety reasons you would normally expect it to be done in a special and separate room.

How important is home loading to the competitive shooter? - Very important. We have heard that something in the region of 70 per cent of full bore pistol shooters will produce their own ammunition. I can't vouch for the accuracy of that figure but it is certainly a very high percentage. It has two advantages, one that you can tailor the ammunition to the specific firearm to get the best inherent accuracy and it also has the advantage of being more economic than buying factory ammunition of good quality but unknown consistency.

So the person who is very serious about his full bore shooting will generally make his own? - Yes.

After experimenting with different mixes I suppose? - Yes.

And will know what best suits his weapon?/

weapon? - Yes.

But if pushed that could be done at the club? - It could be done at the club at extreme inconvenience to the serious target shooter and would also produce the potential for safety problems at the club. One of the advantages of doing it at home is that you can concentrate exactly on what you are doing without any exterior distraction from possibly other club members if you are at the club.

BY LORD CULLEN: Can I just ask about one matter. I see that you mention in your statement a problem where you have prospective members and there is a possibility that they are prohibited? - Yes.

Have you any suggestion as to how that problem might be solved? - The only way I can think of is if there was some method by which the club secretary could check the written declaration that the person is not prohibited with the police, which currently they are not permitted to do.

Would one way of dealing with this be to have a system under which all prospective members names required to be reported to the police at the outset? - That could be done but I think you would have to ask I think the police as to the effectiveness of that, as to what information they are permitted to give out.

Yes, I wasn't thinking about that. I was thinking that to get round the difficulty of you being required to make enquiries of the police, if as a matter of course you reported the name to the police then that might enable the police to take appropriate action? - That could be done, yes.

Any other ways of approaching it perhaps? - I think the problem that there is with that sort of contact with the police is that they are not permitted to declare or make any statement about anybody's criminal record. We would certainly like to find some way in which the declaration that somebody is not prohibited from having a firearm under Section 21 of the Act, to verify that would be useful. How it would be done I couldn't comment.

CROSS-EXAMINED BY MR. TAYLOR: The club of/

of which you are a member is based in Bearsden, is that correct? - That is correct.

Are you able to say in which police area most of the members of the club will reside? - The bulk of the members will reside in the Strathclyde Police area.

And can you tell me if a .22 rifle is a rifle of the same calibre as a .223 rifle? - It is a rifle with a barrel which has the same diameter. However, the .223 cartridge is a centre fire cartridge which is physically much larger than what everybody calls the .22 which is known as the .22 long rifle. It is not possible to chamber one of those cartridges in a gun of the other type.

And are the two used in different disciplines? - Yes.

RE-EXAMINED BY MR. BONOMOY: Are you aware of a form which has to be signed now by all members of Home Office approved clubs in which they certify they are not prohibited from possessing a firearm or ammunition by virtue of Section 21 of the Firearms Act? - Yes, all clubs have had to have these on their premises since the 1st of January this year.

Does that requirement apply only to Home Office approved clubs? - Yes.

MR. BONOMOY: There is no other evidence arranged for today, sir. There may be certain brief evidence tomorrow and the principal witnesses will then be Mr. Penn for whom special arrangement has been made to come in the morning and Professor Cooke with whom an arrangement has been made to come in the afternoon.

LORD CULLEN: Very well. We will adjourn now until 10 a.m. tomorrow.

Adjourned until tomorrow at 10 a.m.