The Toad of Moat Hall

The class war is alive and well, as highlighted when the Daily Mirror bewailed the lordship bestowed upon Douglas Hogg, until 2010 the Conservative MP for Sleasford; he did not stand for re-election at the end of that Parliamentary session, leaving with a clean moat and the press howling at him for putting the cost in as a Parliamentary expense. The moat is just visible in the Mirror's aerial shot of Hogg House. At least he didn't take advantage of its new cleanliness to install a duck house as well.

Son of Quintin Hogg (later Lord Hailsham), Douglas served as Grantham's MP 1979-1997 and then for Sleasford until 2010. What we don't get is his ennoblement five years after leaving the House of Commons in disgrace; political commentators say that the hefty dose of Conservative peerages created for the dissolution honours list were for services to the outgoing coalition government; Mr Hogg's only contribution to that government was not standing for election to it in 2010.

That said, his family line is that of an hereditary peerage. His grandfather was Viscount Hailsham. His father was an MP from 1938 until Viscount Hailsham died in 1951. He later used the Peerage Act, which Tony Benn steered through Parliament to avoid his hereditary ermine, to return to the Commons in 1964 and accepted a life peerage from Ted Heath in 1970 to return to the Lords as Lord Chancellor.

Douglas inherited the hereditary title in 2001, but didn't need to disclaim it, as hereditary peers were disbarred from the Lords by then anyway. His getting a life this year may be the old boys network's compensation for his unspectacular Parliamentary career being shortened by scandal. After all, he went to the right school. The damage he did to the shooting sports by way of banning working class firearms in 1988 and removing charitable status from rifle clubs in the 1990s is still with us, and he is remembered for little else.

Historically, it has always been conservatives who crack down on the shooting sports; not theirs, we notice. The social season's rifle shooting at Bisley remains untrammelled by legislative knee jerks, as it has since they moved there from Wimbledon in the 1890s. Deer stalking with rifles caught on in Scotland, courtesy of Prince Albert's interest in it; the English upper crust preferred chasing them on horseback until Labour banned their sport. Small-bore rifles came into their own further down the social scale as rabbit rifles in the countryside and as gallery rifles for the working class militia.

Lloyd George's 1920 Firearms Act was a wartime emergency power, but survived the lapse of other wartime powers and got twisted by its administration into being a gate to keep the working classes separate from the firearms most of them had trained on for the Great War. Later Acts merely tweak the categories into which firearms are shoehorned by type, or paranoid perception. The concept of prohibited weapons was introduced in 1937 to distinguish firearms required by the militia from those used for sport. Militia stuff was regulated by the Defence Council and sporting stuff by the police.

1968 saw the introduction of shot gun certificates – by a Labour government – although it was not intended by the Home Secretary of the day (Roy Jenkins) as a crack down on firearms. His problem was that he'd suspended the death penalty for a five-year 'experimental' period in 1965 and then on the 12th August 1966 Harry Roberts and associates murdered three London policemen in Shepherd's Bush. That case, along with those of Ronnie and Reggie Kray and

the ‘moors murderers’ Brady and Hindley became famous because these were the people to whom the drop would have applied in 1966 had Roy not suspended it.

By 1965, most of the hundreds of offences to which the death penalty applied in the nineteenth century had come out of capital crime, leaving just five categories for which hanging was the sentence; murder with firearm or explosive, murder of a policeman or prison officer, murder in the course of a robbery, or two or more murders by any means. So Harry Roberts met three of the five criteria and the media wanted the rope back. Brady and Hindley committed more than one murder; Reggie Kray a firearms murder and a second murder; Ron got two murder convictions.

On the legal side of gun usage, there had been rumblings of disquiet about shotguns in the early 1960s, as can be seen in the pages of ‘Guns Review’, which started publishing in 1960. Loosely speaking, there were two camps; urban and rural and two classes – friends of the government and plebs. The rural use of shotguns was stereotyped as the middle and upper classes shooting game. Below them, the rural working class shot rabbits and pigeons when they weren’t beating for the landowner; gamekeepers shot pest species to preserve the game birds.

Britain’s working classes, to whom Harold MacMillan said ‘you’ve never had it so good’ in 1957 were, in the early 1960s, getting wealthier and were using that increased disposable income for travel and leisure activities. The problem was that the countryside wasn’t ready for them. A letter published in Guns Review bewails the fact that most country sports access was inherited, making entry difficult for outsiders.

The Clay Pigeon Shooting Association (founded in 1928) represented a small, specialized, rump of trap shooting after it was banned - until the 1960s, when it took off commercially, as more people had the money to buy cars and guns. The guns are interesting, since they form the other thread of disquiet for Guns Review readers. The ‘traditional’ side-by-side double developed in the later nineteenth century. The central fire cartridge dates from 1860; the 1870s were a decade of innovation (Anson/Deeley forend catch, rebounding hammers etc.) and by the time nitro proof became standard in 1904, the double barrel sidelock hammerless ejector gun had reached its zenith.

That left numerous cast-offs in second-hand circulation; muzzle loaders, hammer guns, pinfires (ammunition produced commercially until 1968), single barrel pieces, folders etc. that the rural working classes used. The new rich, however, went for new guns; cheap American and Italian imports, such as single barrel repeaters. These were nothing new conceptually – Spencer’s pump action design dates from 1884 and John Moses Browning’s automatic shotgun from 1904, but they (or more accurately their owners) did not fit in with the British rural shooting tradition.

This was the other thread of disquiet, also to be found in the pages of Guns Review; the rural ‘haves’ starting to worry about urbanites buying repeaters without having anywhere legitimate to use them. Clay pigeon shooting favoured a single rib, so the over/under came into its own there before the 1960s upswing. Repeaters were in use – the duck flush prize at the CLA Game Fair routinely went to semiautomatic Remington 1100 owners until they were given a separate competition. This is also a clue as to why the ‘friends of the government’ looked down on them; their apparent efficiency in skilled hands.

In rifle shooting, the British army’s change to a self loading rifle L1A1 in the 1950s did not catch on in the clubs; partly because the Enfield-made rifle was

not sold to 'the public'. One could technically still enter service rifle events at the Imperial Meeting, but no civilian did for twenty-five years until Jan A Stevenson (Handgunner magazine editor) acquired an L1A1 in 1982 when the Singapore militia sold theirs off in favour of American M16s.

Some other semi-automatic rifles had reached the UK civilian market; the WW2 American M1 Garand rifle attracted a modest following, as did continental variants of the FN rifle on which the L1A1 was based. These performed in service and practical rifle events; dare we say, enjoyed more by blue-collar workers? Variety was added to by deleting the full-auto position on selective fire weapons, so Bren guns and BARs made an appearance. As the 1970s progressed, new automatic rifles reached the market; the G3/HK91 and variants of the M16/AR15 to name but two.

The Home Office conducted a review of firearms laws in 1965 and concluded that it was not worth licensing shotguns. They did prime a private member's bill that year to tweak things a bit, supposedly in connection with the abolition of the death penalty. The concept of a 'prohibited person' (now section 21 of the 1968 Act) was extended from five years after release to a life ban (with an application process for relief) and it took shotguns with barrels of less than 24 inches into firearm certificate controls.

The limit set in 1937 was 20 inches, since that was typically the shortest barrel length for shoulder guns at the time, catching smoothbored shot pistols in the same category as rifled barrel ones. The 'gun licence' (ten shillings) that had been a tax on possessing guns since 1870 was abolished by way of a clause in the Local Government Act 1966, so when Roy Jenkins needed to 'do something' to fend off demands for the restoration of the death penalty, the proposal to regulate shotguns was near the top of his litter bin and became part of the Criminal Justice Act 1967.

The 1968 Act was one of consolidation; such Acts include nothing new and are just a tidying up, to get all the controls into one place. The problem with the 1968 Act, such as it is, is that it is both the regulatory framework applicable to people who want to do everything legally and the criminal law for prosecuting those who are allegedly doing things illegally. One side of it is thus used to crack down on the other.

It's the sporting, regulated, legal side of shooting in the UK that repeatedly attracts scrutiny by people looking for the moat in our eye that they can't see for the beam in theirs. Following the 1968 Act, the Home Office prepared a 'memorandum of guidance to the police', which was 'restricted'. Chief Inspector of Constabularies Sir John McKay was commissioned to report on firearms matters in December 1970 by the Conservative administration that had won the general election the previous June. Interestingly, he started researching for this commission in 1969 without a mandate to do so and didn't use research material thus gleaned in his report because he disagreed with the conclusions said research would have led him to.

His 1972 report wasn't published, but the Home Office eventually (and grudgingly) placed a copy in the Parliamentary library in 1997. It makes dismal reading; poorly researched and of limited scope, it's 'conclusions' were probably written first and then straws clutched at to 'support' their conclusion that reducing the number and types of firearms available to 'the public' was a desirable end in itself. They didn't say why, or who might desire it, but all the committee members were drawn from law enforcement and it was the working class guns they were after to make them 'police only'.

Ted Heath's government put the bones of it up as a green paper (Cmnd 5297) in 1973, resulting in the gun trade forming the British Shooting Sports Council (via the Longroom Committee) to co-ordinate the shooting organisations' response and Larry Watkins founding the Shooters' Rights Association as a platform for individual activists. It went down the toilet quite quickly, as the Heath administration fell in the February 1974 general election, while the miners were on strike and the rest of us could only work three days a week.

Never ones to waste a bad idea, the Home Office put it on the shelf awaiting what Douglas Hurd (at the time, Conservative MP for Witney and Home Secretary) called 'a suitable legislative opportunity', which he got by way of the Hungerford murders in 1987.

Four incidents (Michael Ryan - Hungerford, 1987, Thomas Hamilton - Dunblane, 1996, Derrick Bird - Whitehaven, 2010 and Mike Atherton (2013) have driven the quest to reduce the firearms available to the rest of us, so it's worth reminding ourselves that all four highlight failures in the police administration of the legislation and not any defects in the shooting community. A fact highlighted in September 2015 by HM Inspectorate of Constabularies.

Thomas Hamilton did not belong to a shooting club when his FAC was last renewed, so it should not have been.

Michael Ryan's murders were – unusually if not uniquely at the time – not the subject of a public enquiry. Scuttlebutt is that the police relied on the club to restrict membership to suitable people and the commercial club he joined left the question of suitability of applicants entirely to the police. Michael Ryan's choices of purchases suggest that he wasn't training (or being mentored) for competitive (or any other) shooting.

People who join shooting clubs are self-selected, as are people who join the Cub Scouts or a brass band. To stay, having joined, is a combination of wanting to be there and being wanted there by the others. Clubs are very good at making sure unsuitable people don't stay - the drop out rate of probationary members in shooting clubs was always quite high; so we found it bizarrely amazing when the Home Office took the view (in 1997) that the opinions of club secretaries and registered firearms dealers about applicants had no worth.

In the case of Derrick Bird, he was not known to his local shooting community, neither the club nor local dealers. It is assumed that, like Mike Atherton, he had his guns and certificates on the strength of a bit of land for pest control; in which case only the police knew them as shooters and only the police had any chance to assess their suitability.

The HO convinced themselves that club secretaries and dealers would lie and deceive the police to increase their membership or customer base. Our view is that as we are the people who will encounter that person when he has a loaded firearm if we let him into the club, the idea that we would increase our jeopardy in that way is ridiculous. And if that is the quality of thinking at the head of firearms administration, it's time to have a new head.

The obvious remedy, so far as the legal side of shooting goes, is to have firearms 'licensing' administered by a competent, trained, specialist department, supported by the expertise of the clubs. We suggested this in our book 'does the trigger pull the finger' in 2011. A national body issuing the certificates to people who have obtained a certificate of competence for the class of firearm they seek

to acquire from an approved training entity, security that has been certified by a competent inspectorate and legitimate access to the kind of shooting they will undertake.

The police got the job in 1920 because the government underestimated demand. They had local offices from which the application form could be obtained and to which it could be returned with the fee. They had internal mail to send it to the headquarters where there was access to criminal and other records to carry out the appropriate checks before the certificate was issued back to the local police station by internal mail for you to collect. It was only a matter of time before collect became deliver and delivery included an –unauthorized by legislation - security inspection.

Using Royal Mail to shift stuff about gradually became acceptable in Home Office thinking, hence reminders sent out to you from the headquarters etc.; the local station is cut out of this loop altogether and it would clearly be a lot more efficient to have one office dealing with everyone than fifty or so dotted around the country. The only utility of 'local' involvement is for checking security, but the Firearms Act has never authorized the police to look at your security and the fee you pay for the certificate is payable on *grant*, so it has never been intended to defray any police costs other than those generated by the decision to issue the certificate.

The police use the 'inspection' in two ways; firstly to put you off, such as the chap who was told he needed a British Standard alarm on a house to which one would not be fitted 'cos the BS spec includes an exterior bell more than eleven feet up a wall and the cottage walls were only seven feet high. Or the dealer who was told he needed a Red Care alarm for his section five, despite that not being available in that police area at the time. If you climb over those hurdles, they record where to find your kit comes the day a wobbly Home Secretary orders it all seized.

The police costs that the fee is intended to cover consist of buying the stationery, writing or typing on it, signing it, hitting it with the rubber stamp they bought earlier, putting it in an envelope, franking it and posting it. Police in Scotland say it costs them £200 to do that, which means something is seriously wrong: either they are being had over on the price of envelopes, or they are costing something not authorized by the Act to the money the Act raises. That would be an accounting fraud if they take the money out of the fees pot for any purpose other than those the Act intends it to cover.

So with the Law Commission gearing up to amend firearms legislation – their prospectus suggests considerable prejudice against people who want to do things legally, one has to wonder if Douglas Hogg is back in Parliament to steer more grief in our direction. That would save trashing anyone else's career and reputation, wouldn't it?