

A Troll in the Park

On Saturday 7th October a video was posted on the Airsoft Nation's Facebook page in which the SRA rated a defamatory mention. What sparked things off was the launch of a new airsoft association – UKASA – United Kingdom Airsoft Site Association, which the video's author felt an irrational need to sneer at.

The main source of airsoft product appears to be Taiwan. Quality, build, feel and utility have improved immensely in the past two decades since the SRA included 'airsoft skirmish' in their public liability insurance policy. Their usage has also broadened. Classified these days as 'Realistic Imitation Firearms' (RIFs) by the Violent Crime Reduction Act 2006, they are photogenic enough to serve as wall hangers, set decorators and even collectors' items. In living history displays, as projectile launchers in battle re-enactment and in target-shooting, they feature in both the gallery-style shooting shy one might encounter at a country fair and at target shooting clubs. Additionally, they're often used by war-gamers in airsoft skirmish and by movie-makers as props.

Home Office concerns about the public owning firearms have a long back-story, consisting largely of a series of ignorance-based, knee-jerk reactions to unrelated events. Back in the 1960s, the Wilson government repealed the 1870 Gun Licensing Act, which involved a tax costing more to collect than it raised. Gun owners were supposed to buy one unless they had a firearm certificate or a game licence. Thus clay pigeon shooters needed one and air gun owners were supposed to acquire them, particularly after *Moore v Gooderham* (1960) decided that low-powered air guns were firearms and not toys, as earlier held in *Bryson v Gamage Ltd* (1907).

In the course of making that decision, plans were drawn up to introduce a shotgun certificate, that was subsequently shelved as not worth the bother! On 12th August 1966, three Metropolitan policemen were shot dead and the media hue and cry was for the restoration of the death penalty, which had been suspended for an experimental five-year period the year before. The names of the murderers who escaped the rope because of that temporary (later permanent) reprieve became famous: Ronald and Reginald Kray, Myra Hindley, Ian Brady and Harry Roberts. Had they hanged, they would be as nameless and as faceless as the last two men hanged in Britain in 1964.

Home Secretary of the day Roy Jenkins headed off the media storm by cracking down on shotguns: the usual knee-jerk diversionary tactic that this saga will encounter again and again. The police murderers had used handguns; shotguns only featured in poaching cases, domestic homicides and suicides, and as swag in burglaries, but on the 'do something' mantra that politicians live day-to-day by, it was handily still near the top of the litter bin.

And that would have been that, except the Home Office gave the job of issuing the certificates to the police, instead of to the Post Office that had previously issued gun licenses. Some 600,000 people applied in 1968, causing another knee-jerk reaction, this time by (Sir) John McKay, chief inspector of constabularies. He went into a frightful funk at the thought of so many people, particularly in cities, having guns, little realizing that only one in four (SRA's estimate) of owners actually bothered applying.

The police didn't know the extent of gun ownership in the UK because it wasn't a problem and thus wasn't on their radar. Nevertheless, the urge to 'do something' was all powerful, so McKay formed a committee of his cronies and they concluded that reducing the number of firearms in the hands of the public was a desirable aim in itself. So a committee without a question to answer

reached its conclusions first and then looked for 'how' to achieve their goal rather than letting the evidence show them the way forwards.

McKay's report was so embarrassing that it has never been published. It formed the background to a green paper in 1973 that was flushed into oblivion, along with Sir Edward Heath's conservative government in 1974, only to re-appear as the Firearms (Amendment) Act 1988. Another knee-jerk reaction to events: in this instance the issue of a firearm certificate to an unsuitable person by a police force just going through the motions. This legislation banned semi-automatic centre-fire rifles and legitimized deactivation, thus setting the scene for subsequent knee-jerk reactions.

The Home Office didn't notice, of course. They'd swallowed the police line that reducing the number of certificates was the solution whatever the problem was thought to be and banning some guns by type should supposedly have a reducing impact on certificate numbers. The 'increase' in shotgun certificate numbers 1968-88 certainly reflects the increasing wealth and leisure time of the population, but was also undoubtedly driven by late take-up of the requirement by owners.

It took the farming community a long time to 'get' that the requirement was one each (like birth certificates) as opposed to one per farm, as was the case with poisons, explosives and other such licenses as may be necessary for a working farm to work. After 1988, numbers dwindled, but that's carborundum policing rather than the public changing its attitudes. The main effect was far more guns outside the control system than within it. Deactivation took tens of thousands of guns out of registration and since demand could not be satisfied within the licensing system, people looked to guns that didn't have anything to do with licensing instead.

Entries to the market included paintball guns, airsoft and air cartridge revolvers. The handgun ban in 1997, while putting 'real' handguns into the prohibited section 5 category, also released from the controls altogether captive bolt humane killers and CO2 pneumatic guns. Policy drew the bottom line power threshold far enough above paintball and airsoft for them not to get onto the Home Office radar. We've come a long way since the US Government decided that 59 foot pounds was the minimum for lethality. In the UK today it's 0.7 ft. lb.

In January 2003 a drive-by shooting killed two women in a burst of machine gun fire. Machine guns were prohibited in 1937, so naturally some other scapegoat had to be prohibited in the 'knee-jerk' 'do-something' world of the Home Office. Air cartridge revolvers got it that time around and three years later, airsoft came to Home Office attention.

The Violent Crime Reduction Act 2006 refers to 'realistic imitation firearms' (RIFs) while specifically excluding deactivated formerly real guns from the definition. There had previously been public order legislation relating to imitation firearms, but the 'problem' was the open sale of RIFs to walk-in custom.

A 1994 research paper at the Home Office had found, inter alia, that the armed robbers they interviewed in prison had often made the decision to stage a hold-up because a suitable firearms look-a-like prop came to hand. Only two of the robbers in that study had real guns and one of them had owned his since the war and had no ammunition. All the others used imitations of one sort or another – the old sawn-off cucumber in a brown paper bag trick – or variations of it, and many of them didn't show a weapon to the victims at all.

So, the idea was a variation on the US federal five-day waiting period for a handgun. Instead of walk-in impulse buyers being able to make a purchase and then rob next door with it, the Home Office wanted a qualifying threshold that was more than an age bar but short of a licensing system. Airsoft guns were, by then, a specialist subject, 'real' gunshops didn't generally sell them. Air weapon specialist gunshops might have: the only one we were familiar with at the time didn't and these air gun shops had to register as firearms dealers with the police and keep a register of who they sold air guns to as a result of the VCR Act.

The Act lumped airsofts in with any other RIFs – replicas, 1/1 model kits etc. Regulations following the Act in 2007 suggested that public liability insurance would serve as evidence one had a defence under the Act in relation to historic re-enactments. So far as the airsoft side goes, the importers formed UKARA – the United Kingdom Airsoft Retailers Association. Under the Act, airsoft retailers need a defence to a charge of supply. In the case of historical re-enactment, that's straightforward – the buyer produces evidence of his public liability insurance for that purpose, completes the deal and goes on his way rejoicing.

But for airsoft skirmishers, the solution arrived at was registration of players. You attend a game site three times in seven weeks and the organisers register you with UKARA. Then when you turn up at a retailer, he has a defence under the Act for making a sale to you. What you've got as you go on your way with your purchase is a realistic imitation firearm in a public place.

That has its own problems, all of which are solved by keeping what it is concealed by packaging that also prevents you having access to it in public: 'securely covered so that it cannot be fired' as the mantra relating to air guns puts it. There's no offence of possession per se; the VCR Act and regulations are concerned only with transactions and that sales are limited to authorized buyers. These are persons with PLI for historic re-enactment.

The Act and regulations are silent about UKARA registration, as is the Home Office website. As an aside, 'Airsoft World' exhibited at 'War and Peace' this year and, when we trawled through their range of products, they couldn't produce anything that didn't homage weapons used in past conflicts. So all airsoft skirmish is 'historic'; sure, you can stage a futuristic scenario for a war game, such as Russians v Germans, but you'll be doing it with weapons that all served in Afghanistan.

So, finally, back to our troll, rambling into an open microphone in a darkened bedroom somewhere in England: his problem seemed to be that joining UKASA involved paying a fee of £30. He seemed aware of UKARA, didn't know anything about the 2007 VCR regulations and thus didn't understand the relevance of PLI and then claimed that the SRA's insurance policy did not exist! That can have consequences; aside from being libel, he's sought to restrain our lawful trade, which is an offence at common law. Plus he crossed the line set in the Protection from Harassment Act 1997!

He showed someone's UKASA certificate on his 'video' and with that in front of him – with all our contact details thereon, failed to check anything with us. Then, to cap it off, and with our letterhead detailing our website in front of him, he put up a home page from the old website that hadn't been updated since Peter Brookesmith retired two years ago.

More than 3,000 checks were successfully carried out by event organisers this year, made as SRA groups produced their PLI credentials to event organisers and English Heritage venues up and down the country, so the apparent fact that one idiot can't manage something so simple says quite a lot about him, his methodology and the low standards of his research. He didn't 'get' that there's

no lower age limit on the SRA's PLI (after claiming it don't exist), pointing out the 18-age limit on airsoft purchases.

Yeah, right! The SRA was formed as an association for grown-ups with real guns. For a grown-up to teach shotgun shooting to a person under 15 years old, it has to be done on land occupied by the teacher, or at a registered clay-shoot. To let a junior use a shotgun on land where merely permission to do so is held, the junior needs his own shot gun certificate and there's no lower age limit for that.

Put another way, would you want to go shooting with someone who doesn't have PLI? Seriously? That's the gap UKASA sought to fill, simultaneously providing both buyer and seller with a defence under the VCR Act and that works with the SRA's PLI behind them. Same as it is behind more than 500 other clubs and associations, as it has been for more than thirty years and we look forward to the next thirty, and fewer trolls.

Can't say the same about knee-jerk reactions though: there's another one building at the time of writing. The Home Office thinks rifles chambered .50" BMG and held on firearm certificates should be prohibited and is holding a 'consultation' about it.



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