

# Scottish Target Shooting

*A Federation representing: Scottish Clay Target Association, Scottish Pistol Association,  
Scottish Rifle Association, Scottish Small Bore Rifle Association*

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16<sup>th</sup> September 2012

Royal Mail  
1<sup>st</sup> Floor  
Rathbone Place  
LONDON  
W1T 1HQ

For the Attention of Zoe Allchorn

Dear Sirs

## **Response to Proposals to Prohibit Firearms and Component Parts from Postal Services offered under Postal Schemes, August 2012**

This letter is issued by the Scottish Target Shooting Federation, known as “Scottish Target Shooting” or “STS”, in response to the Royal Mail’s consultation entitled “Proposals to Prohibit Firearms and Component Parts from Postal Services offered under Postal Schemes” (the “Royal Mail Proposals”).

By way of background, STS is the overall voice for target shooting in Scotland. STS comprises the four Scottish National Governing Bodies (NGBs) for target shooting, namely the Scottish Clay Target Association, the Scottish Pistol Association, the Scottish Rifle Association and the Scottish Smallbore Rifle Association. Each of the four NGBs runs its own affairs, but STS is the central link between the NGBs on matters which affect all of the shooting bodies and bodies such as **sportscotland**, the Commonwealth Games Council for Scotland, local authorities and government agencies, as well as UK national shooting bodies such as British Shooting, the British International Clay Target Shooting Federation, the Muzzle Loaders Association of Great Britain, the National Rifle Association and the National Smallbore Rifle Association. STS is responsible for the selection of teams to compete at the Commonwealth Championships, together with the nomination of athletes for participation in the Commonwealth Youth Games and the Commonwealth Games.

In relation to paragraphs 31 to 33 of the Royal Mail consultation paper, STS’s response can be summarised as follows:

- The Royal Mail’s proposals regarding firearms in Section A and Annex A of the Royal Mail consultation paper are not fair and are not reasonable.
- It follows that the proposed new Scheme wording in Annex B of the Royal Mail consultation paper (insofar as relating to firearms etc and contained in Section 15.3.27 of table A) is also unfair and unreasonable.
- STS considers that the Royal Mail Proposals are not necessary to comply with the legal duties placed on Royal Mail in connection with the carriage of firearms.
- STS considers that the Royal Mail Proposals proceed on the basis of an incorrect understanding of the legal meaning of a “component part” of a firearm.
- Without affecting the generality of STS’s objections to the Royal Mail Proposals, the proposed new Scheme wording in Section 15.3.27 of table A in Annex B is legally incorrect because it would outlaw the conveyance of certain parts of firearms (notably triggers and magazines) that do not fall within the accepted meaning of a “component part” of a firearm. It would also prohibit sending parts of low-powered airguns that are not subject to any licensing requirements at all. Such a prohibition would be wholly disproportionate and unnecessary.
- The Royal Mail’s proposed “catch-all” wording in Section 15.7.13 of table A in Annex B, i.e. “any other item restricted by law or listed, from time to time, as restricted on Royal Mail’s website” goes too far and is capable of misuse.

STS’s detailed reasons for concluding that the Royal Mail Proposals are not fair and reasonable, and for reaching the other views summarised above, are set out below.



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## 1. Section 14(1)(a) of the Firearms (Amendment) Act 1988

STS is concerned that the Royal Mail Proposals reflect an incorrect assessment of the requirement under section 14(1) of the Firearms (Amendment) Act 1988 for a carrier to take “reasonable precautions for the safe custody of any firearm or ammunition”. In particular, we note that paragraph 20 of the Royal Mail Proposals states that Royal Mail “are concerned as we are unable to guarantee the safe custody of Firearms during carriage within the meaning of Section 14(1) of the Firearms (Amendment) Act 1988.”

In STS’s view, this statement reflects an incorrect assessment of the legal duty on Royal Mail. The legal duty on a carrier under section 14(1) of the Firearms (Amendment) Act 1988 is *not* to “guarantee” safe custody, but only to take “reasonable precautions” for safe custody.

The Royal Mail’s normal mail handling procedures should in STS’s view constitute a perfectly adequate way of taking reasonable precautions regarding the safe custody of firearms – in the same way that consumers expect Royal Mail to take reasonable precautions for the safe custody of *any* item that is being sent by post. Royal Mail have successfully dealt with the carriage of firearms by post for many years - including following the passage of the Firearms (Amendment) Act 1988 - and there is no reason why Royal Mail should not continue to do so under its current operating procedures. In this regard, in the view of STS, the Royal Mail Proposals are a solution to a problem that does not exist. The “dedicated handling system and conveyance pipeline” outlined in paragraph 20 of the Royal Mail Proposals is simply unnecessary.

## 2. Section 14(1)(b) of the Firearms (Amendment) Act 1988

As regards the obligation under section 14(1)(b) of the Firearms (Amendment) Act 1988 for a carrier to report to the police the loss or theft of a firearm, this obligation refers to “such firearm” – i.e. the firearm which, under section 14(1)(a), the carrier has in his possession without holding a certificate. STS consider that in this context, the concept of “possession” is linked to the knowledge of the contents of a package, so if the carrier is unaware that it is in possession of a firearm at all, no duty to report the loss or theft should arise. Accordingly, STS consider that to the extent that firearms are conveyed through the postal system without being specifically identified as firearms, no difficulty should arise in relation to section 14(1)(b) of the Firearms (Amendment) Act 1988.

## 3. Legal Meaning of a “Component Part” of a Firearm

STS considers that the Royal Mail Proposals are based on an incorrect understanding of the accepted meaning of a “component part” of a firearm. In terms of the Home Office publication entitled “Firearms Law: Guidance to the Police” (2002), the expression “component part” specifically does not cover each and every part of a firearm. Instead, the Home Office Guidance states at paragraph 13.70 that, “*The term “component part” may be held to include (i) the barrel, chamber, cylinder, (ii) frame, body or receiver, (iii) breech, block, bolt or other mechanism for containing the charge at the rear of the chamber (iv), any other part of the firearm upon which the pressure caused by firing the weapon impinges directly. Magazines, sights and furniture are not considered component parts.....*” (our emphasis added). As noted at paragraph 1 above, STS’s fundamental objection to the Royal Mail Proposals is that the Royal Mail’s normal mail handling procedures should already constitute an adequate way of complying with the legal requirements regarding the safe custody of firearms. In relation to component parts in particular, STS considers that the Royal Mail Proposals go so far beyond the generally accepted meaning of component parts that the Royal Mail Proposals would constitute a totally disproportionate measure and would contribute absolutely nothing to public safety. Do the Royal Mail seriously consider that (for example) a sling swivel, a rearsight assembly, a spare magazine, a trigger or a replacement wooden stock are inherently dangerous and require special handling in the postal system? Quite apart from any commonsense



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objections (which are numerous), the Royal Mail Proposals fail to recognise that the requirement under section 14(1) of the Firearms (Amendment) Act 1988 for a carrier to take “reasonable precautions” for the safe custody of any firearm or ammunition *does not apply at all* to many parts of firearms that do not fall within the accepted legal definition of “component part” for the purposes of the Firearms Acts. Accordingly, this aspect of the Royal Mail Proposals is wholly disproportionate and unnecessary.

#### 4. Conveyance of “Parts” of Firearms / Impact on Customers

STS is aware that the Royal Mail’s service is routinely used for the conveyance of parts of firearms that (for the reasons set out at paragraph 3 above) do not fall within the accepted meaning of a “component part” of a firearm for the purposes of the Firearms Acts. STS is not aware of any concerns having been raised by any interested parties regarding the loss or theft of any such parts in connection with their conveyance by post (other than e.g. financial claims that might customarily arise for the loss of property of any type). In this regard, the Royal Mail Proposals are neither legally necessary, nor evidence-led. If the Royal Mail Proposals were to be implemented, then substantial inconvenience and additional cost would be suffered by private individuals who send or receive parts through Royal Mail’s services - for no discernable benefit in terms of public safety or legal compliance. Furthermore, STS consider that the impact on traders could be very serious and, in some cases, catastrophic to their businesses. This is a particular issue within Scotland, where a significant number of those who send or receive parts through the post are located in rural or remote areas and rely on Royal Mail, rather than courier firms. The additional costs of having to use alternative means of transmission of parts (i.e. by using courier firms instead) could render the activities of such traders wholly uneconomic, with the consequent loss of rural jobs. There could also be an adverse impact on the skilled engineering companies who manufacture the parts concerned.

STS notes that paragraph 24 of the Royal Mail Proposals states that Royal Mail “expect the impact on customers to be minimal”. STS disagree entirely with this assessment. Indeed, STS note that in Postcomm’s June 2005 Decision (in response to a previous proposal by Royal Mail to prohibit the carriage of firearms in the letters network), Postcomm’s view of the impact of such proposals was that, *“Prohibiting the carriage of (legal) firearms in the post would cause unnecessary hardship for many persons and businesses, especially those in rural areas ....”* Nothing has changed since then. STS considers that the imposition of disproportionate and unnecessary restrictions on the conveyance of parts of firearms, in the form of the Royal Mail Proposals, would have a substantial adverse effect on numerous private individuals and traders, and therefore on the sport of target shooting within Scotland. The Royal Mail Proposals are therefore directly contrary to the interests of STS and its National Governing Bodies for target shooting in Scotland, as well as thousands of individuals who are affiliated to those National Governing Bodies.

In this regard, STS notes that according to official Scottish Government statistics published on 29<sup>th</sup> May 2012, there were 48,726 Shotgun Certificate holders, 25,831 Firearms Certificate holders and 347 registered firearms dealers in Scotland in 2011. In England and Wales, according to the Home Office Statistical Bulletin dated 22<sup>nd</sup> March 2012, there were 564,269 Shotgun Certificate holders, 141,347 Firearms Certificate holders and 3,205 registered firearms dealers in 2011. It is a reasonable assumption, if not a near-certainty, that each and every one of those certificate holders has at some stage sent or received via Royal Mail firearms “parts” such as triggers, sights and sling swivels which are *not* restricted by law (i.e. because they are not pressure-bearing items or because they are parts of low-powered, unlicensed airguns). In some cases, private individuals will do so on numerous occasions in any given year. In the case of registered firearms dealers, literally hundreds or thousands of transactions may be effected by post each year. If the Royal Mail Proposals were to be implemented, all of those items would be treated by the Royal Mail (though not by anybody else!) as firearms, with the senders having to incur substantial additional costs for no good reason. As can



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be seen from the figures cited above, a very considerable number of individuals and businesses would be affected.

As an aside, STS also notes that the Royal Mail Proposals would have an adverse effect on the amount of business handled by post offices, especially in rural areas. Given the current, ongoing financial pressures on the Post Office, STS is somewhat surprised that Royal Mail desires to proceed with proposals that (if implemented) would undoubtedly result in a loss of business from Royal Mail to other couriers.

5. Royal Mail's Proposed Wording in Section 15.7.13 of Table A in Annex B

Finally, STS considers that Royal Mail's proposed "catch-all" wording in Section 15.7.13 of table A in Annex B, i.e. "*any other item restricted by law or listed, from time to time, as restricted on Royal Mail's website*" goes too far and is capable of misuse. Such wording could allow Royal Mail to circumvent the objections set out in this response to the Royal Mail Proposals and in STS's view this catch-all wording should be withdrawn by Royal Mail and/or rejected by Ofcom.

Yours faithfully

Mike Barlow  
Honorary Secretary

For and on behalf of Scottish Target Shooting



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