

# **The Public Inquiry into the Shootings at Dunblane Primary School on 13 March 1996**

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**The Hon Lord Cullen**

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This version for the Internet prepared by The Stationery Office

The authoritative printed version has been published by  
[The Stationery Office](#) as

**The Public Inquiry into the Shootings at Dunblane Primary School  
on 13 March 1996**

ISBN 0 10 133862 7 Price £20.00  
Cm. 3386

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Prepared 16 October 1996

# Foreword

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The Rt Hon Michael Forsyth MP  
Secretary of State for Scotland

Dear Secretary of State

On 21 March 1996 it was resolved by both Houses of Parliament that it was "expedient that a Tribunal be established for inquiring into a definite matter of urgent public importance, that is to say, the incident at Dunblane Primary School on Wednesday 13 March 1996, which resulted in the deaths of 18 people."

In terms of the Warrant of Appointment dated 21 March 1996, you appointed me to be a Tribunal for the purposes of this Inquiry in virtue of Section 1 of the Tribunals of Inquiry (Evidence) Act 1921; and you declared that that Act should apply to the Tribunal and that the Tribunal was constituted as a Tribunal within the meaning of Section 1 of that Act.

In a Parliamentary reply to Mr George Robertson MP on 21 March 1996 you set out that the Inquiry's terms of reference should be:-

"To inquire into the circumstances leading up to and surrounding the events at Dunblane Primary School on Wednesday 13 March 1996, which resulted in the deaths of 18 people; to consider the issues arising therefrom; to make such interim and final recommendations as may seem appropriate; and to report as soon as practicable."

I have carried out the Inquiry and now respectfully submit my Report thereon. A list of the names of the persons who were the victims of the incident, both the dead and the surviving, follows.

**W Douglas Cullen**  
*30 September 1996*

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# List of Victims

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## Deceased Victims

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Victoria Elizabeth Clydesdale  
Emma Elizabeth Crozier  
Melissa Helen Currie  
Charlotte Louise Dunn  
Kevin Allan Hasell  
Ross William Irvine  
David Charles Kerr  
Mhairi Isabel MacBeath  
Gwen Hodson or Mayor  
Brett McKinnon  
Abigail Joanne McLennan  
Emily Morton  
Sophie Jane Lockwood North  
John Petrie  
Joanna Caroline Ross  
Hannah Louise Scott  
Megan Turner

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## Surviving Victims

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Aimie Lauren Adam  
Coll Austin  
Matthew Alexander Birnie  
Mary Blake  
Scott Elliot Crichton  
Eileen Mary Harrild  
Steven James Hopper  
Robbie Hurst  
Amy Louise Hutchison  
Ryan Thomas Liddell  
Mark James Mullan  
Andrew O'Donnell  
Victoria Elizabeth Porteous  
Robert Raymond Purves  
Grace Tweddle  
Ben Vallance  
Stewart Campbell Weir

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## Chapter 1

# Summary of the Report

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1.1 Through the Inquiry I sought the answers to the following questions:

- what were the circumstances leading up to and surrounding the shootings at Dunblane Primary School on 13 March 1996?
- what should I recommend with a view to safeguarding the public against the misuse of firearms and other dangers which the investigation brought to light?

1.2 In [Chapter 2](#) I give an account of the investigation of the circumstances and the steps which were taken to prepare the way for my consideration of possible recommendations.

1.3 In [Chapter 3](#) I describe how Thomas Hamilton, having entered the school, shot Mrs Gwen Mayor and 16 members of her Primary 1/13 class and inflicted gunshot wounds on 10 other pupils and three other members of the teaching staff. I then describe the response of the teaching staff, emergency services and police to the incident, with an account of various lessons which have been learned from the experience. I narrate that an examination of the scene showed that, having entered the school with 4 handguns and 743 rounds of ammunition, Thomas Hamilton fired 105 rounds with a 9 mm Browning self-loading pistol over a space of about 3-4 minutes before committing suicide with one shot from a .357 Smith & Wesson revolver.

1.4 In order to provide the full background to this outrage the Inquiry had to investigate events in the life of Thomas Hamilton, and in particular over the last 23 years. The results of that investigation are set out in Chapter 4 with the exception of the last 6 months which are covered by Chapter 5. In [Chapter 4](#) I describe how the withdrawal of his warrant as a Scout leader in 1974 led to his undying resentment against the Scouts who, he claimed, undermined his work with various boys clubs which he ran from the 1970s onwards. However, the way in which he ran those clubs, and in particular his insistence that the boys should wear brief swimming trunks which he provided and be photographed in them while performing gymnastic exercises caused complaints from parents and led to his coming into contention with a number of local authorities which owned the school premises where his

clubs met. His summer camps in 1988 and 1991 and his residential sports training course in 1992 were investigated by the police, but he was never prosecuted. Thomas Hamilton countered these complaints and investigations with complaints of his own against the police and local authority officials. In 1995 Central Regional Council was still endeavouring to find ways of making it more difficult for him to obtain the let of their premises. The chapter also deals with allegations as to his conduct with firearms, and in particular showing them to others and an occasion on which he is said to have threatened Mrs Doreen Hagger with a gun. I do not find it proved that this incident occurred or was reported to the police.

1.5 In [Chapter 5](#) I deal with a number of possible pointers as to the factors which were at work in the mind of Thomas Hamilton in the period leading up to 13 March 1996. His clubs were then in decline. He was in serious financial difficulties. His mood was low and he was deeply resentful of those who had claimed that he was a pervert and had discouraged boys from attending his clubs. After a gap of about 8 years his interest in firearms was resurgent. There is evidence which points to his making preparations for what he did, including the questions which he put to a boy about the layout and timing of events at the school and his questioning of a retired police officer about the time which the police would take to respond to an incident. In the light of expert evidence from a psychologist and psychiatrist I conclude that Thomas Hamilton was not mentally ill but had a paranoid personality with a desire to control others in which his firearms were the focus of his fantasies. The violence which he used would not have been predictable. His previous conduct showed indications of paedophilia.

1.6 In [Chapter 6](#) I am concerned with the question - How was it that Thomas Hamilton came to hold the firearms and ammunition which he did on 13 March 1996? I set out the history as from February 1977 of the firearms and ammunition which he was authorised to and did acquire. In the light of the legislation and the official Guidance to the Police I examine the operation of the certification system by Central Scotland Police. I find that the reasons which were given and accepted for his being authorised to hold more than one handgun of the same calibre were unsatisfactory. The authority which he had for the possession of firearms and the acquisition of ammunition was renewed without enquiry as to the use which he was making of the firearms. The underlying reason for this was the unsatisfactory way in which the Guidance was expressed. His fitness to be entrusted with a firearm was challenged by Detective Sergeant Hughes in a memorandum of 11 November 1991 after the police investigation of the summer camp of that year. However, it was decided that no action should be taken against Thomas Hamilton. A similar decision had been taken in 1989 after he had behaved inappropriately in showing firearms to a family in Linlithgow. I reach the conclusion that in the response of senior police officers to the memorandum of Detective Sergeant Hughes an unduly narrow view was taken of "unfitness" as a ground for the revocation of a firearm

certificate; and that in view of various considerations Deputy Chief Constable McMurdo should have made further enquiries. On balance there was a case for revocation which should have been acted upon. The same considerations should have led in any event to the refusal of Thomas Hamilton's subsequent applications for renewal of his firearm certificate. However, the eventual outcome would have depended on the outcome of the appeal to the sheriff which I have no doubt that Thomas Hamilton would have taken. The chapter concludes with some observations on what I regard as weaknesses in the system used by Central Scotland Police for the carrying out of enquiries and the making of decisions about firearm applications.

1.7 As I explain in [Chapter 7](#), there are essentially two methods of control of firearms and ammunition under the Firearms Acts. The first is the regulation by means of the certification system of the authority to possess, or as the case may be, to purchase or acquire them. The second is the imposition of restrictions on certain categories of firearms and ammunition by reference to their relative dangerousness. At the outset of my discussion of the future of legislative control I consider the submission that all guns should be banned, from which it would follow that there would no longer be a certification system. For the reasons which I give I do not recommend such a wholesale prohibition.

1.8 It is logical that I should next consider what could be achieved by improvements to the certification system. I do this in [Chapter 8](#). As regards the work of the police I do not favour the removal from them of any of their functions but I point out that in a number of respects there is a need to strengthen the support which is given to those who carry out enquiries; and to extend the powers available to police officers and civilian licensing and enquiry officers. I also endorse the steps which are being taken to enable police forces to hold and exchange information on computer as to the individuals who hold firearm certificates and those whose firearm applications have been refused or certificates revoked.

1.9 The history of Thomas Hamilton's possession of firearms and ammunition shows that there is a need to ensure that a person does not retain the authority to possess a firearm or ammunition for it when he no longer can show "good reason" for doing so. There requires to be a power to revoke a firearm certificate on this ground, in whole or in part. However, if the police are to have the opportunity to consider revocation it is essential that there should be a means by which the use of firearms and ammunition can be ascertained; and that the police are made aware of circumstances indicating lack of use. This leads me to discuss the need for each holder of a firearm certificate to be a member of at least one club which is approved for the purposes of section 15 of the Firearms (Amendment) Act 1988; and for approved clubs to keep a record of the activities of their members who are holders

of firearm certificates and to inform the police of the termination of membership or non-attendance for a substantial period.

1.10 The suitability of a holder of a firearm certificate is linked even more closely with the safety of the public. The fitness of a person to be entrusted with a firearm should become one of the conditions on which the granting and renewal of a firearm certificate depends. I also consider what additional steps should be taken to guard against "prohibited" persons becoming members of an approved club. I discuss the current requirement for a counter-signatory in support of a firearm application, and recommend that it should be replaced by a system for the provision of two references. I turn then to the provision of medical and psychological information. I do not consider that it would be practicable for general practitioners to be required to provide a medical report on each applicant, or for a psychiatric examination or a psychological test to be carried out. In any event in each case there are grounds for considerable reservations as to the effectiveness of such a measure. However, the proposal that general practitioners should provide information as to applicant's medical history for consideration by a forensic medical examiner should be the subject of consultation with the interested bodies. Lastly, I discuss the present system for appeals against the decisions of the chief officer of police, and express the view that it would be more appropriate that the scope for appeal should be restricted to enumerated grounds which did not trench on the exercise of his discretion; and that this be the subject of further study and consultation.

1.11 Despite the fact that there is room for improvement in the certification system I conclude that there are significant limitations in what can be done to exclude those who are unsuitable to have firearms and ammunition. There is no certain means of ruling out the onset of a mental illness of a type which gives rise to danger; or of identifying those whose personalities harbour dangerous propensities. On this ground alone it is insufficient protection for the public merely to tackle the individual rather than the gun. This brings me to the discussion in [Chapter 9](#) of the availability of section 1 firearms, and in particular handguns held for target shooting, with which the Inquiry was directly concerned. I discuss the uses of such handguns and the dangers which may be posed by their misuse - the part they play in crime and their relative lethality, ease of use and rapidity of fire. I consider the risk which arises from their present legal availability and reach the conclusion that there is a case for restricting the possession by individuals of self-loading pistols and revolvers of whatever calibre which are held for target shooting.

1.12 I then proceed to examine the evidence which was before me as to the practicability and effectiveness of various measures for restricting the availability of handguns in target shooting - (i) limiting the number of handguns or the number of a particular calibre which may be held; (ii) separating the handguns from their ammunition; (iii) restricting the capacity of multi-shot handguns; (iv) temporarily

disabling multi-shot handguns; and (v) the banning of the possession by individuals of multi-shot handguns. I then consider the implications of the imposition of a restriction of one kind or another on the availability of handguns.

1.13 In reviewing my conclusions I note that of all the measures which stop short of a ban the one which is open to the least objection on the ground of practicability is the temporary dismantling of self-loading pistols and revolvers by the removal of major components. Any difficulty on this ground could be met by a requirement for the fitting of locked barrel blocks. It does not eliminate all possibility of evasion by a determined would-be killer but such a system would effect a substantial reduction in the opportunity for misuse of lawfully held handguns. I also require to consider what would be proportionate and just, having regard on the one hand to the scale of risk and on the other to the implications of one course of action or another. The banning of multi-shot handguns would have a very damaging effect on the sport of target shooting and would give rise to claims for compensation and adverse effects on the economy. I point out that the ultimate decision raises a number of matters of policy which are peculiarly for the Government and Parliament to decide. For that reason I direct my recommendation to what should be *considered*. My conclusion is that consideration should be given to restricting the availability of self-loading pistols and revolvers of any calibre which are held for use in target shooting preferably by their disablement, while they are not in use, by either (i) the removal of the slide assembly/cylinder, which is to be kept securely on the premises of an approved club of which the owner is a member or by a club official; or (ii) the fitting of a locked barrel block by a club official. If such a system is not adopted, consideration should be given to the banning of the possession of such handguns by individual owners.

1.14 In [Chapter 10](#) I am concerned with the safety of staff and pupils in schools, and in particular with their protection against violence. Guidance has been published on the subject of violence to staff but little, if any, on tackling the dangers to pupils. However, it is clear that the solution to the problem of protection is to be found through the application of sound principles of safety management. I point out the legal responsibility for safety of employees and pupils which arises from the provisions of the Health and Safety at Work Act 1974. There should be no uncertainty as to the personnel to whom safety roles are allocated. The risks against which staff and pupils at school are to be safeguarded includes the possibility of attack by an intruder, and the existence of that risk calls for the working out of a preventive strategy with an action plan appropriate to the particular features of each school. While the approach to be adopted in such an action plan and the measures which it should include must depend on the particular case I set out an outline of the main points which were put to me in the submissions which I received.

1.15 [Chapter 11](#) is concerned with the means of protecting children and young people who attend clubs or other groups against abuse by leaders or others who have regular contact with them; and in particular with the steps which can and should be taken to vet such persons and supervise their conduct. Having reviewed existing controls and advice I concentrate on situations in which children and young people under 16 years of age voluntarily attend clubs or groups for their recreation, education or development. It is unsatisfactory that it should be left to individual clubs or groups to carry out their own checks and to adopt whatever practice they please. Parents are not always in a position to make adequate enquiry into the way in which clubs or groups are run or their personnel are checked. There may be difficulties facing smaller organisations in carrying out effective checks. As matters stand there is no system for co-ordinating information between different areas of the country as to persons who are regarded as potentially unsuitable to work with children and young people. As I explain, these and other considerations indicate that, in my view, a system should be instituted to ensure that clubs and groups use adequate checks on the suitability of the leaders and workers who have substantial unsupervised access to them. Having reviewed various possible approaches to such a system I reach the conclusion that what is required is one for the voluntary accreditation of clubs and groups, and that such a system should be operated by means of a national body. Such a body would also be responsible for drawing up or selecting guidelines, collecting information in regard to any matter which might reflect on a person's suitability and monitoring the conduct of clubs and groups which are accredited.

1.16 [Chapter 12](#) contains a summary of my recommendations.

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Prepared 16 October 1996

## Chapter 2

# The scope and conduct of the Inquiry

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### Preliminary matters

2.1 The preliminary investigation for the Inquiry was carried out under the authority of the Lord Advocate. The bulk of the investigation was carried out by Central Scotland Police under the direction of Mr John Miller, Procurator Fiscal at Stirling. This involved a painstaking and detailed examination of the conduct of Thomas Hamilton over many years; his relationship with a considerable number of bodies and officials; and the actions of the police in investigating his conduct and authorising his holding of firearms and ammunition. I would like to acknowledge the considerable assistance which the Inquiry derived from being able to draw on the results of that investigation which placed great demands on Central Scotland Police.

2.2 In regard to two subjects, namely (i) the adequacy of the procedures and actions taken by Central Scotland police in regard to Thomas Hamilton's firearm certificate; and (ii) the reports concerning Thomas Hamilton which were made by Strathclyde Police and Central Scotland Police to the Procurators Fiscal at Dumbarton and Stirling, the Lord Advocate very properly decided that it was appropriate to obtain independent evidence for the assistance of the Inquiry. This was provided in the form of reports by Mr J Richardson, Deputy Chief Constable, Strathclyde Police and Mr Alfred D Vannet, Regional Procurator Fiscal of Grampian, Highland and Islands, Aberdeen, respectively.

2.3 In addition to the preliminary investigation, the Lord Advocate, along with counsel appointed by him to act on his behalf, Mr Iain Bonomy QC and Mr Jonathan Lake, Advocate, undertook responsibility in the public interest of presenting evidence to the Inquiry. The general lines to which the evidence should be directed were worked out in consultation with myself. To them I would like to express my profound gratitude for their assistance in achieving the objects of the Inquiry.

2.4 Mrs Glynis McKeand was appointed Clerk to the Inquiry. Her unfailing support and dedication have been invaluable. She has done far more than respond to the call of duty. Mrs Christine McGowan-Smyth assisted me by marshalling information contained in certain parts of the factual evidence. Miss Rachel Gwyon

analysed the content of the written submissions relating to matters of school security and the vetting and supervision of adults working with children. Mrs Dorothy Gordon has borne the burden of typing the text of this Report and the preliminary drafts and revisals. To all these members of the Inquiry team I am most grateful.

2.5 From the time when my appointment was announced I received over 1600 letters from a wide variety of correspondents, concerned mainly with the control of firearms and ammunition. While these letters were not intended to be, nor were they, treated as evidence I took account of the concerns which were expressed in them in determining what I would examine. In addition I received petitions supported by 33,739 signatures.

2.6 In order to make myself more familiar with what would be discussed at the Inquiry I took a number of steps. I visited the gymnasium at Dunblane Primary School during the week following the shootings. Arrangements were made for me to see a demonstration of the operation of firearms by Mr Alastair Paton, a firearms expert, who in due course gave evidence at the Inquiry. I also requested that arrangements should be made to enable me to visit Bisley during the holding of the competitions known as Pistol '96 in order to see how they were conducted. I would like to record my thanks to the National Rifle Association for their responding to this request. I also attended as an observer at a meeting of a pistol club near Edinburgh.

2.7 A preliminary hearing was held at the Albert Halls, Stirling on 1 May 1996. At this hearing I disposed of applications by persons who wished to be parties to the Inquiry and dealt with various matters of procedure. Under the Tribunals of Inquiry (Evidence) Act 1921 I had the power to authorise the representation of any person who appeared to me to be "interested", that is to say interested in the circumstances leading up to and surrounding the incident. A list of the parties to the Inquiry and their representatives is contained in [Appendix 1](#). One of the rules of the Inquiry was that if any party formed the intention at any stage to criticise another person, whether or not his or her interests were already protected by representation, that party should promptly inform the Inquiry Office so that whatever steps were appropriate might be taken, including, where necessary, giving the opportunity for representation to be obtained.

2.8 At the preliminary hearing I also invited written submissions in regard to three particular topics and any other topic which was relevant. This invitation was repeated in a press notice on 3 May 1996. The three particular topics were:

- i. control of the possession and use of firearms and ammunition;

- ii. school security; and
- iii. vetting and supervision of adults working with children.

## **The Inquiry**

2.9 The Inquiry was held at the Albert Halls, Stirling. It sat for 26 days, opening on 29 May and closing on 10 July 1996. The whole proceedings were held in public and recorded by shorthand writers, Wm. Hodge & Pollock Ltd, Glasgow. The arrangements for the accommodation of the participants, the public and the press were made by the Scottish Courts Service. I am most grateful to them for their assistance.

2.10 Shortly before the opening of the Inquiry I and the Lord Advocate had a meeting with the relatives of the victims of the shootings in order to discuss any concern or anxiety which they had in regard to the taking of evidence at the Inquiry. With my approval and in accordance with their wishes, details of the injuries suffered by individual victims were not explored in evidence. However, as was stated at the opening of the Inquiry, I was supplied with a set of files relating to the victims for my personal consideration.

2.11 At the opening of the Inquiry the Lord Advocate made a statement that, while it was extremely unlikely that any witness should have any concern about self-incrimination, he considered that it was appropriate in the public interest to give an undertaking that anything which a witness said in evidence at the Inquiry would not be used in evidence against him or her in any criminal proceedings in Scotland, except in relation to any offence of perjury or against the course of justice.

2.12 The witnesses who gave evidence at the Inquiry did so on oath or affirmation. In a few instances the evidence of a witness was submitted in writing and read to the Inquiry. Copies of the statements which had been taken from witnesses before they gave evidence were issued in advance to the parties. In no case did it prove necessary for me to exercise the power to enforce attendance which is contained in section 1 (1) of the 1921 Act. A list of the witnesses is contained in [Appendix 2](#). In all but one instance the witness was led by the Lord Advocate or counsel acting on his behalf.

2.13 Copies of the documents which had been assembled for the Inquiry were made available in advance to the parties. The statements of witnesses and the documents were made available on the basis that they were solely for the use of parties and their representatives in connection with their preparation. The parties were asked to give, and gave, their undertakings for this purpose in the normal way.

In no case was it necessary for me to exercise my power to compel the production of a document under section 1(1) of the 1921 Act. I should add that the documents assembled by Central Scotland Police included a copy of the draft (as at February 1996) of the thematic report of Her Majesty's Inspectorate of Constabulary for Scotland on the subject of the Administration of the Firearms Licensing System in 1995. This was referred to during the course of the evidence; and I was also provided with a copy of a later draft of April 1996. I was informed that the decision on whether or not the report should eventually be published would be taken when I had completed my deliberations.

2.14 With my approval and the agreement of parties evidence was taken at the Inquiry in such a way as to avoid the identification of any persons who had come into contact with Thomas Hamilton during their childhood.

2.15 I endeavoured to ensure that the Inquiry had before it the evidence which would enable me to make the findings which are expected of a fatal accident inquiry in Scotland.

2.16 During the course of the Inquiry evidence was led as to information submitted to the Procurators Fiscal of Dumbarton and Stirling by Strathclyde Police and Central Scotland Police during the years from 1988 to 1993; and the reasons stated by the Procurators Fiscal for their decisions in relation to the matters reported to them. As I have already stated the Inquiry was provided with a review by Mr Vannet of the reports and information which were submitted to the Procurators Fiscal by those police forces. On 24 June 1996 Mr Bonomy on behalf of the Lord Advocate made a statement of the Lord Advocate's position in relation to that evidence and the question of enquiring into the decisions taken by those Procurators Fiscal. On the following day I heard submissions from Mr C M Campbell QC and Mr Bonomy in regard to the proper scope for questioning in regard to these matters, after which I gave my decision. The statement made on behalf of the Lord Advocate, a note of the submissions which were addressed to me and the terms of my decision are set out in [Appendix 3](#).

2.17 In the latter part of July it was drawn to my attention that a telephone conversation between two police officers on the morning of 13 March concerning the situation at the school had been accidentally recorded by a telephone answering machine in Motherwell: and that the cassette on which it had been recorded had come into the hands of Central Scotland Police later that day. I was provided with a transcript of the recorded conversation. I was satisfied that it did not contain anything which was of value to the Inquiry.

2.18 As the Inquiry was held not long after the shootings it is not surprising that

someone who did not come forward or could not be traced at an earlier stage should claim later that he was able to contribute information about the behaviour of Thomas Hamilton. I deal with a particular instance of this in para 4.15.

*Evidence in regard to possible recommendations*

2.19 I received a considerable number of contributions in response to the invitation for written submissions which I had issued. In selecting those which were to form part of the written evidence before the Inquiry I had regard to a number of considerations, the most important of which were the qualifications and responsibilities of the contributors and the desirability of obtaining a full range of views. [Appendix 4](#) contains a list of the organisations and persons whose written submissions were selected. Copies were made available for inspection by the press and the public as from 10 June 1996 (Day 10): and thereafter as further written submissions were received and accepted in evidence. I would like to express my appreciation for the high quality of these submissions. They have been of considerable assistance to me in evaluating a wide range of proposals. It is not practicable for me to set out every contention in this Report, let alone all the supporting arguments, but every point has been considered.

2.20 In addition to these written submissions I also had available to me

- i. evidence submitted on behalf of the Secretary of State for Scotland and the Home Secretary on 30 April 1996, which contained background information about the licensing of firearms and ammunition; together with comments about the advantages and disadvantages of a number of suggestions for changes in the law which had been made since 13 March 1996, which I will refer to in this Report as the "Green Book".
- ii. the report of the Working Group on School Security for the DfEE, which was published in May 1996, along with a commentary by The Scottish Office Education and Industry Department; and
- iii. a paper by The Scottish Office on the recruitment and supervision of adults working with children which was published in June 1996.

2.21 Since the written submissions raised a number of points which had practical implications I considered that it would be appropriate to obtain certain additional factual evidence. For this purpose the Inquiry heard evidence in regard to the operation and use of firearms and ammunition; the operation of the certification system; the practice of shooting disciplines and the operation of rifle and pistol

clubs; and the extent to which medical practitioners could assist in the assessment of applicants for firearm certificates.

2.22 It was clear to me that it would be of assistance to have a contradictor to oral submissions by the parties which had not been anticipated in the written submissions. I invited legal representatives of the British Shooting Sports Council, the Scottish Target Shooting Federation, the Stirling Rifle and Pistol Club and the Callander Rifle and Pistol Club to address the Inquiry at the stage of closing submissions. I am grateful to them for their assistance in helping me to focus the points at issue.

2.23 In connection with possible recommendations I had available to me by way of background a number of publications, which are listed in [Appendix 5](#). In addition I received a number of papers relating to firearms laws in the Republic of Ireland, Northern Ireland, Australia and Japan.

2.24 At an early stage of the Inquiry it was clear that a number of the written submissions were critical of the research material referred to in Annex G to the Green Book which had been provided by the Research and Statistics Directorate of the Home Office. I decided at that stage that I should seek the Directorate's comments on these submissions. A note of their comments was received by the Inquiry Office on 29 July. As their comments had been requested while the Inquiry was in progress I decided that the appropriate course was to treat the note as part of the evidence before me. Copies of the note were supplied to the critics of the research material and arrangements were made for notification of the press. A similar procedure was followed when the results of studies of statistics relating to certain cases involving firearms in England and Wales in 1992-94 and in Scotland in 1993 were submitted to the Inquiry Office in the latter part of August.

### **The scope of recommendations**

2.25 In considering the evidence before me I have endeavoured to identify the lessons of the incident and of the circumstances which led up to it, with a view to avoiding the misuse of firearms and other dangers which the investigation brought to light. Every inquiry of this kind involves an extrapolation from the particular circumstances of the case. However, I have borne in mind, as I said at the Inquiry, that, consistently with my terms of reference, I am concerned with issues which arise from the circumstances leading up to and surrounding the incident. For that reason I have concentrated on matters which have some tenable connection with those circumstances. While this is the approach which I would have adopted in any event it is particularly necessary for me to point this out in view of the range of subjects with which some of the submissions relating to the control of firearms

were concerned. How I have followed out that approach will be seen from Chapters 7-11. I did not consider that, in regard to any of the matters with which my recommendations are concerned, it was necessary or appropriate for me to present them as interim recommendations.

2.26 I have worked out my recommendations by reference to the evidence, both oral or written, which was before me. I have applied my own independent judgment to the task. I say that with added emphasis in view of a report in the *Sun* newspaper on 15 August which stated that, following a remark attributed to the Prime Minister, I would abandon a first draft of my report and rewrite my proposals. I would add that at that time no text of my recommendations, draft or otherwise, was in existence. The shootings also prompted the House of Commons Home Affairs Committee to initiate an inquiry into matters of general public policy relating to the possession of handguns. The Committee received both written evidence and oral evidence at a hearing on 8 May. Their report was published on 13 August. Some of the written evidence which was presented to the Inquiry was also presented to the Committee. I should make it clear that, while there was an overlap with the matters which I considered, I did not feel in any way inhibited in reaching my own conclusions.

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Prepared 16 October 1996

## Chapter 3

# The events of 13 March 1996

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### Introduction

3.1 In this chapter I will describe the circumstances of the shootings, and the response of teaching staff, emergency services and police to the incident. I will also set out a number of findings in regard to the firearms, ammunition and other equipment carried by Thomas Hamilton.

### The Shootings

3.2 About 8.15 am Thomas Hamilton was seen by a neighbour to be scraping ice off a white van outside his home at 7 Kent Road, Stirling. They had a normal conversation. Some time later he drove off in the van in the direction of Dunblane. At about 9.30 am he parked the van beside a telegraph pole in the lower car park of Dunblane Primary School. (See [Photograph](#)). He took out a pair of pliers from a toolwrap and used them to cut the telephone wires at the foot of the telegraph pole. These did not serve the school but a number of adjoining houses. He then crossed the car park, carrying the weapons, ammunition and other equipment which I will describe later, and entered the school by way of a door on its north west side which was next to the toilets beside the gym. Had he used the main entrance to the school it was more likely that he would have been seen as there were many persons in the vicinity of the entrance at that time. The main school building had six entrances and two doors controlled by push bars for emergency exit. In addition to the main school building there were six huted classrooms in the playground. Most of the huts had two doors, not including fire exits.

3.3 The school day had started at 9 am for all primary classes. Morning assemblies were held in the school's Assembly Hall which was situated between the dining area and the gymnasium. The school had 640 pupils, making it one of the largest primary schools in Scotland. The Assembly Hall was not large enough to accommodate the whole school at one time, with the consequence that assemblies were limited to certain year groups in rotation. On 13 March all primary 1, 2 and 3 classes had attended assembly from 9.10 am to 9.30 am. They consisted of a total of about 250 pupils, together with their teachers and the school chaplain. They included Primary 1/13 which was a class of 28 pupils, along with their teacher Mrs Gwen Mayor. This class had already changed for their gym lesson before attending

assembly. 25 members of the class were 5 years of age: and 3 were 6 years of age. Mrs Mayor was 47 years of age.

3.4 At the conclusion of assembly all those present had dispersed to their respective classrooms, with the exception of Primary 1/13 who with Mrs Mayor had made their way to the gymnasium, passing the entrance which Thomas Hamilton used to gain access to the school, and entering the gymnasium by the doorway at its north end. A physical education teacher, Mrs Eileen Harrild, had already arrived there along with Mrs Mary Blake, a supervisory assistant, who was to relieve Mrs Mayor in order to enable her to attend a meeting. The children had been instructed to go to the centre and away from the equipment which was at the south end. Mrs Harrild had been talking to Mrs Mayor for a few minutes. As she was about to attend to the waiting class she heard a noise behind her that caused her to turn round. This was probably the sound of Thomas Hamilton firing two shots into the stage of the Assembly Hall and the girls toilet outside the gym. He then entered the gym. He was wearing a dark jacket, black corduroy trousers and a woolly hat with ear defenders. He had a pistol in his hand. He advanced a couple of steps into the gym and fired indiscriminately and in rapid succession. Mrs Harrild was hit in both forearms, the right hand and left breast. She stumbled into the open-plan store area which adjoined the gym, followed by a number of the children. Mrs Mayor was also shot several times and died instantly. Mrs Blake was then shot but also managed to reach the store, ushering some children in ahead of her.

3.5 From his position near the entrance doorway of the gym Hamilton fired a total of 29 shots in rapid succession. From that position he killed one child and injured others. During this shooting four injured children made their way to the store. In the store Mrs Blake and Mrs Harrild tried to console and calm the terrified children who had taken refuge there. The children cowered on the floor, lying helplessly in pools of blood hearing the screams and moans of their classmates in the gym, and waiting for the end or for help. Thomas Hamilton walked up the east side of the gym firing six shots. At a point midway along it he discharged 8 shots in the direction of the opposite side of the gym. He then advanced to the middle of the gym and walked in a semi-circle systematically firing 16 shots at a group of children who had either been disabled by the firing or who had been thrown to the floor. He stood over them and fired at point-blank range.

3.6 Meanwhile a child from Primary 7 class who had been sent on an errand by his teacher, and was walking along the west side of the gym heard loud banging and screaming. He looked in and saw Thomas Hamilton shooting. Thomas Hamilton shot at him. The child was struck by flying glass and ran off. It appears that Thomas Hamilton then advanced to the south end of the gym. From that position he fired 24 rounds in various directions. He shot through the window adjacent to the fire escape door at the south-east end of the gym. This may have been at an adult who was

walking across the playground. Thomas Hamilton then opened the fire escape door and discharged a further 4 shots in the same direction from within the gym.

3.7 He then went outside the doorway and fired 4 more shots towards the library cloakroom, striking Mrs Grace Tweddle, a member of the staff, a glancing blow on the head. A teacher, Mrs Catherine Gordon, and her Primary 7 class who were using hut number 7 which was the classroom closest to the fire escape door saw and heard Thomas Hamilton firing from that direction. She immediately instructed her class to get down on the floor, just in time before he discharged 9 shots into her classroom. Most became embedded in books and equipment. One passed through a chair which seconds before had been used by a child.

3.8 Thomas Hamilton then re-entered the gym where he shot again. He then released the pistol and drew a revolver. He placed the muzzle of the revolver in his mouth, pointing upwards and pulled the trigger. His death followed quickly.

3.9 Mrs Mayor and 15 children lay dead in the gym and one further child was close to death. They had sustained a total of 58 gun shot wounds. 26 of these wounds were of such a nature that individually they would have proved fatal.

3.10 In the result the deaths of the victims listed in the left hand column of the Annex to the Foreword to this Report were caused by gunshot wounds caused by Thomas Hamilton's unlawful actions in shooting them. All of these victims died within the gym, with the exception of the sixteenth child, Mhairi Isabel MacBeath, who was found to be dead on arrival at Stirling Royal Infirmary at 10.30 am. While it is not possible to be precise as to the times at which the shootings took place, it is likely that they occurred within a period of 3-4 minutes, starting between 9.35 am and 9.40 am.

3.11 The survivors of the incident were taken to Stirling Royal Infirmary. They are listed in the right hand column of the Annex. They consisted of the remaining 12 members of the class; two pupils aged 11 who were elsewhere than in the gym when they were injured; and Mrs Harrild, Mrs Blake and Mrs Tweddle. 13 of them had sustained gunshot wounds, 4 being serious, 6 very serious and 3 minor. Of the remaining 4, 2 had sustained minor injuries and 2 were uninjured.

## **The response to the incident**

### *The school staff*

3.12 Mrs Agnes Awlson, the Assistant Headmistress, was making her way across the playground from her classroom when she heard several sharp metallic noises

and screaming coming from the gym. She ran along a corridor and saw what she thought were cartridges lying outside its doorway. Realising that something dreadful was happening she ran back to the office of the Headmaster, Mr Ronald Taylor, who was making a telephone call. The call began at 9.38 am. He was conscious of hearing noises like indistinct bangs. This puzzled him and his reaction was to think that there were builders on the premises about whom he had not been informed. Mrs Awlson entered his office in a crouched position saying that there was a man in the school with a gun. Mr Taylor cut short his call and made an emergency call to the police, which was received at 9.41 am. He then ran along the corridor to the gym. On the way he heard no further noises. A student teacher told him that he had seen the gunman shooting himself. Mr Taylor's estimate was that some 3 minutes had lapsed between his first hearing the noises and being told this by the student teacher.

3.13 Mr Taylor burst into the gym. He was met by what he described in evidence as "a scene of unimaginable carnage, one's worst nightmare". He saw a group of children on the right hand side of the gym who were crying and obviously less injured than the others. He asked the student teacher to take them out of the gym and give them comfort. He then ran back to his office and instructed the Deputy Headmistress, Mrs Fiona Eadington, to telephone for ambulances. That call was made at 9.43 am. He then ran back to the gym calling for adults, and in particular the kitchen staff, to come and help. He moved through the gym along with the janitor Mr John Currie. He noticed Thomas Hamilton lying at the south end of the gym. He seemed to be moving. He noticed a gun on the floor beside him and told Mr Currie to kick it away, which he did. He also removed the revolver from Thomas Hamilton's hand and threw that aside. By this time the Assistant Headmaster, Mr Stuart McCombie, and members of the kitchen staff were in the gym endeavouring to help the injured children until the arrival of the police. When Mr Taylor went to the store area he discovered the injured who were there. Other members of staff arrived and endeavoured to attend to the injured, who were taken to the Assembly Hall.

3.14 By this time the police and medical teams had arrived. Attention was turned to the difficult problem of identifying the children. Since Mrs Mayor was dead, help was sought from members of staff, including nursery staff, who had looked after the children during the previous year. However, not all of the children had been through the nursery. This was an extremely harrowing experience for all the members of staff who were involved. They had to be taken into and out of the gym on several occasions. The record cards were consulted in order to aid identification. Unfortunately the class register had not been marked for Mrs Mayor's class as the class had proceeded directly to the gym after assembly. A further difficulty was encountered when it was discovered that one child was wearing clothing with the name tag of another child. The record card for another child was not in its expected

place but this did not delay identification. Mr Taylor and his staff did everything that they possibly could to assist, far beyond what might reasonably have been expected of them.

### *Emergency Services*

3.15 The first ambulance arrived at the school at 9.57 am in response to the call at 9.43 am. It left at 10.15 am with the first patient for Stirling Royal Infirmary, and returned later for more patient transfers.

3.16 A team of doctors and a nurse from the Health Centre at Dunblane arrived on the scene at about 10.04 am, followed shortly thereafter by a community nursing sister from the Health Centre. They were involved in immediate resuscitation of injured teachers and children. They were joined by doctors from the Doune Health Centre and from Callander.

3.17 At 9.48 am the accident and emergency department at Stirling Royal Infirmary was notified of the incident and within a few minutes it was known that multiple casualties or fatalities were possible. A major incident was declared and the planned response to such an event was put into operation. At 10.15 am the first of a number of teams from Stirling Royal Infirmary arrived at the school and took up the process of triage which had been initiated by the doctors from Dunblane. This involved working out the priorities according to an assessment of each victim's needs. A decision was then taken as to fitness for evacuation and the order in which evacuation should take place. At the Infirmary operating theatres had been cleared of planned surgical cases. On their arrival at hospital the victims were handed over to the care of teams of surgeons and anaesthetists. Four of the children had sustained potentially fatal wounds. A team from Falkirk and District Royal Infirmary also arrived about 10.35 am. All of the injured victims had arrived at Stirling Royal Infirmary by about 11.10 am. After initial examination some were sent to the Falkirk and District Royal Infirmary and others required to be transferred to the Royal Hospital for Sick Children, Yorkhill, Glasgow, for specialist treatment.

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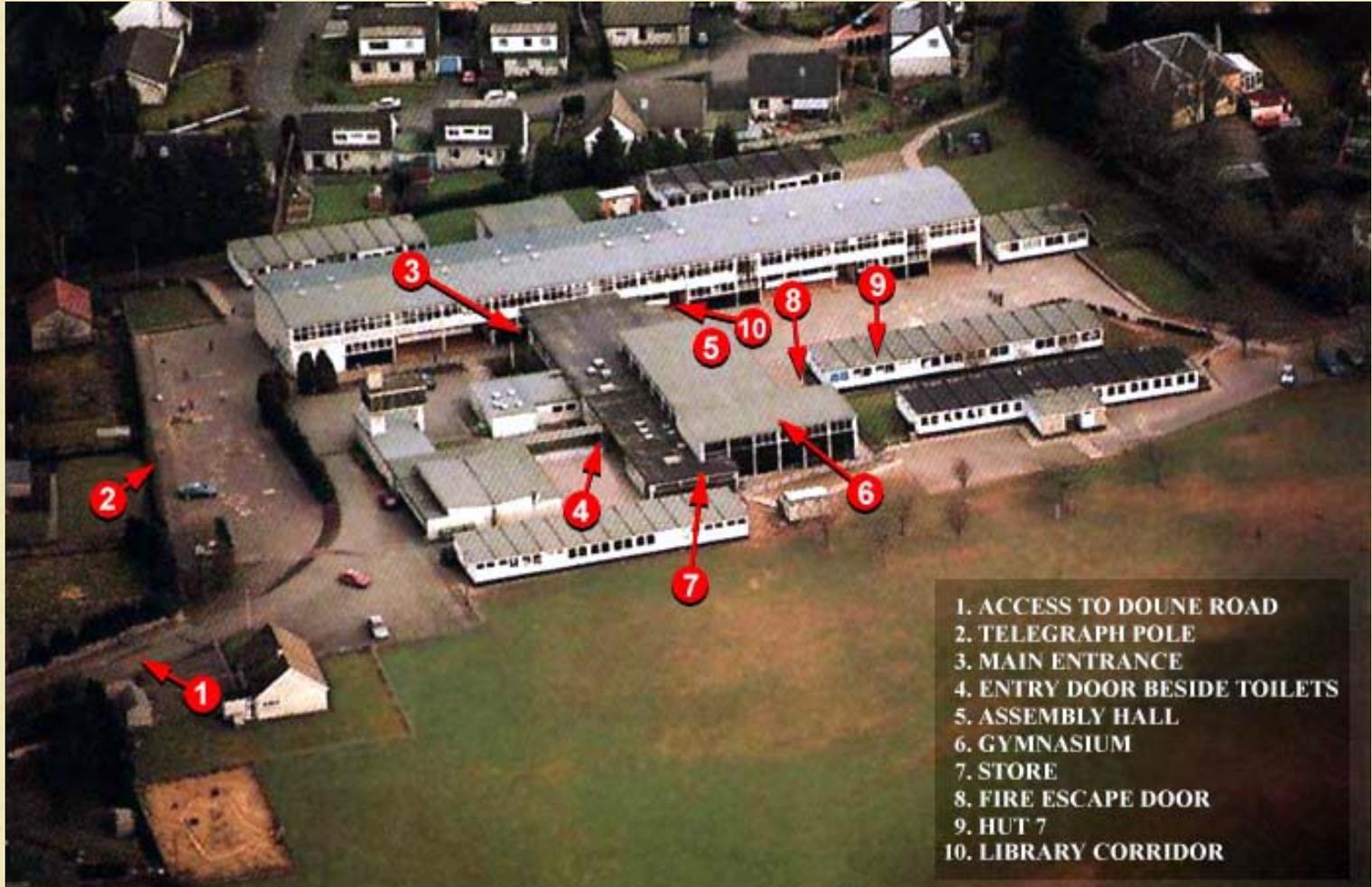
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## Photograph within chapter 3

# The events of 13 March 1996

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## Dunblane Primary School



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## Chapter 4

# Events in the life of Thomas Hamilton

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### Introduction

4.1 The events of 13 March 1996 should be seen against the background of certain events in Thomas Hamilton's life and in particular the last 23 years. In this chapter, which of necessity is somewhat protracted, I will endeavour to set out the main events which appear to have a bearing on the outcome, leaving the events of the last 6 months of his life to [Chapter 5](#). After dealing with his family, education and livelihood I will go on to his relationship with the Scouts, his long-standing operation of boys clubs and the circumstances in which he came into contention with local authorities and the police. Finally I will examine his alleged conduct in regard to firearms.

### Family, education and livelihood

4.2 Thomas Hamilton was born in Glasgow on 10 May 1952. He was the son of Thomas Watt and Agnes Graham Hamilton or Watt. He was named Thomas Watt. Shortly after his birth his parents separated and in 1955 they were divorced. He and his mother moved to the home of his maternal grandparents in Cranhill, Glasgow. On 26 March 1956 he was adopted by them and his name was changed to Thomas Watt Hamilton. In 1963 he accompanied his adoptive parents when they moved to 11 Upper Bridge Street, Stirling. He grew up in the belief that his natural mother was his sister. In 1985 she moved to live in a house of her own. In 1987 Thomas Hamilton and his adoptive parents moved to 7 Kent Road, where he continued to live until 13 March 1996. In August 1987 his adoptive mother died; and 5 years later his adoptive father moved into sheltered housing, so leaving Thomas Hamilton in sole occupation. He remained in contact with his natural mother, visiting her about twice a week.

4.3 After a primary education in Cranhill and Stirling Thomas Hamilton attended Riverside Secondary School, Stirling and Falkirk Technical College, obtaining a number of O Grades in 1968. In that year he became an apprentice draughtsman in the County Architect's Office in Stirling. In 1972 he opened a shop at 49 Cowane Street, Stirling known as "Woodcraft", which specialised in the sale of DIY goods and supplies, ironmongery, and latterly the sale of fitted kitchens. After about 13 years he gave up the shop and registered as unemployed. He received state benefits

until November 1993. However, at the same time he carried on the activity of buying and selling cameras and camera equipment and carrying out some free-lance photography.

### **Thomas Hamilton's involvement with the Scouts**

4.4 In July 1973 Thomas Hamilton, who was then a Venture Scout, was appointed as Assistant Scout Leader of the 4th/6th Stirling Troop. This followed the normal checks into an appointee's suitability. He seemed very keen and willing and did not present any problems. On one occasion he volunteered to take some boys on his boat on Loch Lomond for their proficiency badge work but this was not permitted as the boat had insufficient lifejackets and no distress flares or oars, and he had inadequate knowledge of the waters. In the autumn of 1973 he was seconded to be leader of the 24th Stirlingshire troop which was to be revived at Bannockburn.

4.5 A number of complaints were made about his leadership, the most serious of which were concerned with two occasions when the boys who were in his charge were forced to sleep overnight in his company in a van during very cold weather at Aviemore. His excuse on the first occasion was that the intended accommodation had been double-booked and he was warned of the need to double-check such arrangements. On the latter occasion it was found that no booking had been made by him on either of these occasions. The County Commissioner, Mr Brian D Fairgrieve had a discussion with the District Commissioner, Mr R C H Deuchars, in which they agreed that Thomas Hamilton should be asked to resign. Thereafter Mr Fairgrieve had a meeting with him. He did not think that Thomas Hamilton was a particularly stable person. He said in evidence "I formed the impression that he had a persecution complex, that he had delusions of grandeur and I felt his actions were almost paranoia". He was doubtful about his moral intention towards boys. Thomas Hamilton was informed that in view of his lack of qualities in leadership his warrant was being withdrawn. On 13 May 1974 Mr Deuchars wrote to him requiring that he return his warrant book. Despite repeated requests he did not do so for some months.

4.6 Mr Fairgrieve wrote to the Scottish Scout Headquarters in order to give them his views about Thomas Hamilton as he considered that he should not be a member of the Scout movement. In this letter dated 29 June 1974 he wrote:

"While unable to give concrete evidence against this man I feel that too many 'incidents' relate to him such that I am far from happy about his having any association with Scouts. He has displayed irresponsible acts on outdoor activities by taking young 'favourite' Scouts for weekends during the winter and sleeping in his van, the

excuse for these outings being hill-walking expeditions. The lack of precautions for such outdoor activities displays either irresponsibility or an ulterior motive for sleeping with the boys..... His personality displays evidence of a persecution complex coupled with rather grandiose delusions of his own abilities. As a doctor, and with my clinical acumen only, I am suspicious of his moral intentions towards boys".

Mr Deuchars also submitted a form to Scout Headquarters to the effect that Thomas Hamilton was not considered to be a suitable applicant due to his immaturity and irresponsibility. This resulted in his name being entered on the "blacklist" which is intended to ensure that unsuitable applicants are denied an appointment in the Scout Association. Such a record is also consulted on occasions when an outside enquiry is made as to whether a former Scout leader has provided satisfactory service. In the case of Thomas Hamilton it was effective in preventing him in his attempt to become a Scout leader in Clackmannanshire.

4.7 During the Inquiry reference was made to a copy of what purported to be a letter written by Thomas Hamilton, dated 28 April 1974 and addressed to Mr Deuchars. In that letter he tendered his resignation as Scout leader of the 24th Stirlingshire troop, criticised the conduct of Mr Deuchars and stated his intention to transfer to another district. Mr Deuchars had no recollection of receiving the letter and there is no record of it on the Scout files. The copy was retrieved from the records of Central Regional Council. I am satisfied that Thomas Hamilton did not write or send the letter on the date which it bears and that it was written by him in order to create a false impression that through his own resignation he had anticipated the withdrawal of his warrant.

4.8 In February 1977 after making a number of attempts to return to Scouting Thomas Hamilton requested the Scout Association to hold a Committee of Inquiry into his complaint that he had been victimised. This request was denied. After some correspondence he stated in April 1977 that he was discontinuing the thought of holding a warrant "as I do not want my good name to be part of this so-called organisation in this district". However, his letters of complaint continued. The response of the Scout Association was that the warrant had been withdrawn on the basis of lack of preparation and planning for his adventure activities at Aviemore. In 1978 he approached Mr David Vass, the District Commissioner for the Trossachs, offering his services as a Scout Leader. After consulting with Mr Fairgrieve Mr Vass responded that they were unable to make use of his services. Thomas Hamilton persistently maintained that the Scouts had not only ruined his reputation by terminating his appointment but that they were linked with the actions taken by other organisations, and in particular the police. In para [4.23](#) I narrate his later approaches to Scout officials.

## Thomas Hamilton's boys clubs

4.9 After the withdrawal of his warrant Thomas Hamilton became increasingly involved in the setting up and running of boys clubs. It is not clear when he began this activity but it appears that in the late 1970s he was running the "Dunblane Rovers" in the Duckburn Centre in Dunblane. He also ran a Rovers Group in Bannockburn. There was some evidence that at this time he was permitted to use school premises. In any event it is clear that during the period from November 1981 until his death he organised and operated 15 boys clubs for various periods and that these clubs used school premises in Central, Lothian, Fife and Strathclyde Regions. The clubs, the periods within which they were active and their locations are set out in the accompanying table.

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### CLUBS OPERATED BY THOMAS HAMILTON BETWEEN NOVEMBER 1981 AND MARCH 1996

<b>Club</b>	<b>Period Active</b>	<b>Location</b>
Dunblane Rovers Group*	Nov.1981-Oct 1983	Dunblane H.S.
Dunblane Boys Club*	Oct 1985-March 1996	Dunblane H.S.
Bannockburn Boys Club*	May 1983-March 1996 (No information Oct 1983-1992)	Bannockburn H.S.
Lynburn Gymnastics Club/Lynburn Boys Club*	Feb.1985-Feb.1986	Woodmill Centre and Dunfermline Centre
Dunfermline Boys Sports Club*	May 1987-Aug 1992	Woodmill Centre & Queen Anne H.S.
Falkirk Boys Club*	May 1987-March 1966 (Intermittent)	Graeme H.S. & Falkirk H.S.

Linlithgow Boys Club	April 1988-May 1989	Linlithgow Academy
Menstrie, Alva & Tillicoultry Boys Club	March 1989- March 1995	Alva Academy
Stirling Boys Club	May 1989-June 1993	Wallace H.S. & Stirling H.S.
Alloa Boys Club*	Nov.1992-June 1994	Alloa Academy
Lornshill Boys Club	Oct. 1992-June 1994	Lornshill Academy
Denny Boys Club	Oct. 1992-Jan 1994	Denny H.S.
Balfron Boys Club	April 1993-June 1993	Balfron H.S.
Callander Boys Club	March 1995- April 1995	McLaren H.S.
Bishopbriggs Boys Club*	Sept.1995- March 1996	Thomas Muir H. S.

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The symbol \* indicates clubs in respect of which there is evidence of others assisting him to some extent.

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4.10 The typical way in which Thomas Hamilton sought to obtain support for such clubs was to send leaflets to houses and primary schools in the area which the club was intended to serve. In general head teachers, who had a discretion as to whether leaflets from voluntary organisations should be allowed to be distributed through their schools, endeavoured to prevent their schools being used in this way. The clubs were aimed mainly at boys between the ages of 7 and 11. The club activities consisted of games, such as football, along with an element of gymnastics. Thomas Hamilton held a Grade 5 certificate from the British Amateur Gymnastics Association which qualified him to provide coaching in gymnastics, subject to being supervised by someone who held a higher qualification. He was occasionally

assisted by persons with sporting qualifications who had responded to an advertisement; or by volunteer helpers, including parents, but this was not regularly the case. In general Thomas Hamilton ran each of the clubs entirely on his own. In a few instances he represented that there was a club committee. In these cases it appears that a few individuals gave him temporary assistance but there was no satisfactory evidence that the members of the committee controlled or managed anything. From about 1989 he used the title "Boys' Clubs Sports Group Committee", so creating the impression that others were participating in the running of the clubs. In reality this was a title for his own activities. From the running of the clubs he obtained a modest income which in the early days enabled him to finance his trading in cameras. Boys were initially charged 20p or 30p per night but these charges rose to £1 or £1.50. Most of the clubs were initially extremely popular, attracting as many as 70 boys. However, over the lifetime of a club the numbers dropped, typically to less than a dozen. In the early days Thomas Hamilton put this down to lack of patience or determination on the part of the boys. However, it is more likely that this was due to the accumulated effect of reactions to his behaviour and the rumours which it generated.

4.11 Thomas Hamilton's explanation of his objectives was that he wanted to give the boys something to do and keep them off the streets, and that the discipline was a useful preparation for life. He said that he put his boys through fitness schemes; that he hated fat children and blamed parents for allowing them to eat junk food. However, his style of running the clubs attracted the comment from parents and helpers that it was over-regimented and even militaristic. Witnesses described him as tending to be domineering. There was too much use of shouting. It suggested to some that he was getting something out of dominating the boys. His approach was in any event not in line with modern methods. The evidence also indicated that the exercises which the boys were asked to perform were over-strenuous for their age. Parents were also concerned that he was running the clubs without any apparent adult help. He said that he was authorised to be in sole charge of up to 30 boys but this was known to be untrue.

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## Chapter 5

# The last six months

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### Introduction

5.1 In this chapter I will endeavour to put together the picture of Thomas Hamilton's character and attitudes which emerged from the evidence, before turning to an account of events during the last six months of his life. While this cannot provide a full explanation as to what led him to perpetrate the outrage on 13 March 1996, it may provide some pointers as to the factors which were at work in his mind. The chapter concludes with an assessment of Thomas Hamilton which has been derived from expert evidence given by a psychologist and a psychiatrist .

### Thomas Hamilton's character and attitudes

5.2 Thomas Hamilton claimed in a number of letters that the rumours about him in 1983 caused the collapse of his shop business. However, it is more likely that this was due to the effect of competition from modern DIY stores and to his preoccupation with boys clubs and camps. He saw the clubs as a means of making a success of the camps. Mr D G McGregor, a former employee of Central Regional Council, whom he consulted about 1980 in regard to the qualifications required by someone running a gymnastics club, recalled that "he was interested in running camps during the summer months, but in order to ...get recruits, you might say, along to the camps he felt it necessary that he would have to run clubs during the winter".

5.3 The evidence showed that Thomas Hamilton was constantly engaged in recruiting boys and that he could be abusive to parents who withdrew their sons.

5.4 He was not averse to using deceitful or at any rate questionable methods of attracting support. His description as to the intended activities, his own qualifications, the number of helpers and the charges which would be made for membership not infrequently bore little relation to what happened. In order to gain an appearance of respectability he represented that a committee was responsible for the running of clubs and he made use of the names of officials as "contacts". He took photographs of boys without their parents' knowledge or consent. He issued misleading information as to the circumstances in which he had left the Scouts.

5.5 At the same time he was extremely intolerant of those who questioned the way in which he ran the clubs and camps. It is also clear that he had an inflated view of his own importance and that of his activities. Mr B D Fairgrieve said of a meeting with Thomas Hamilton in 1974, where he had been subjected to a long and rambling discourse: "I formed the impression that he had a persecution complex, that he had delusions of grandeur and I felt his actions were almost paranoia." When DCC McMurdo wrote to The Scottish Office on 14 January 1992 he made a number of remarks which showed that he was plainly exasperated with Thomas Hamilton's statements. His remarks included: "For Mr Hamilton to see his tiny local organisation as a serious rival to the Scouting movement indicates a certain lack of perspective". When Thomas Hamilton was criticised he would reply with elaborate self-justification and often adopted attack as a means of defence.

5.6 Thomas Hamilton harboured a long-standing grievance against the Scouts and the police. In the large volume of correspondence which he generated a recurring theme is his assertion that the police were biased in favour of the "brotherhood of masons" and that there was a "brotherhood" link between the Scouts and the police. In passing it may be noted that this together with evidence given by Mr Deuchars indicated that Thomas Hamilton had never been a freemason. I am satisfied that he was not a member of the masons. Evidence was given by a number of his acquaintances of his bitter complaints of having been victimised by the police and having suffered hard treatment at the hands of local authorities. When Mr W B McFarlane met him from time to time during the last 7 or 8 years of his life he found that Thomas Hamilton's conversation was "all one way..... he was anti-police, he was anti-establishment, he was anti- the education authority, he seemed to be anti-anybody who opposed his views on how the clubs should be run or whether they should be run". Thomas Hamilton knew that he was being referred to as a pervert and thought that teachers and parents had been discouraging boys from attending his clubs. He told an acquaintance that, if he stopped running the clubs, people would have considered that rumours about him were true.

5.7 I will refer later to expert evidence which was given as to the nature of Thomas Hamilton's sexuality, but for the present it may be of some significance to note some of the observations as to the way in which he treated the boys. There are a number of indications that he sought to domineer and that he was insensitive to their comfort and safety. I have already referred to the general methods which he adopted in the clubs ([para 4.11](#) *et seq*). At the camps there was a general lack of adequate supervision; the boys were found to have insufficient clothing for the prevailing weather; he insisted on making a videofilm when the boys were cold and wet; and he insisted that the boys should be denied contact with their parents. It was not surprising that they became homesick and upset.

5.8 Thomas Hamilton did not form any close relationship with an adult of either

sex. His natural mother, Mrs Agnes Watt, stated that he had had a girlfriend a long time ago. However, after she got too serious "he didn't want to know". Mr F B Cullen, who assisted him in his shop, said that he was nervous among adults and very uncomfortable amongst females in particular. The events on 13 March 1996 may have made some people reluctant to admit that they were friends of Thomas Hamilton, but I am satisfied that he had few friends but more than a few acquaintances. The impression which he made on people varied. He was "a generous man to work with and a kind man", according to Mr Cullen. Mr E J E Anderson, who was associated with him in the running of the Dunblane Rovers Group and the Dunblane Boys' Club, referred to him as "a very shy, lonely person.... a very quiet, kind individual"; and Mr D MacDonald who had been a member of one of his clubs and who was regularly in touch with him said that he was "quite an intelligent man .... interesting enough to talk to". On the other hand some found that he made them feel uncomfortable and did not like talking to him. They were uneasy about the way in which he walked and spoke. A neighbour described him as follows: "He sort of crept. He was very head-down". He spoke slowly, softly and precisely but without expression in his voice. Mr G S Crawford, Secretary of the Stirling Rifle and Pistol Club said: "Hamilton was a loner, he wouldn't engage in social conversation with anybody; it is known also that women members didn't particularly like being around him. He was a bit of a creep in their eyes". Mr J S B Wilson said: "He was unusual....effeminate. He had a tendency to sort of wring his hands. There was a bit of a feeling of discomfort". Mr G Baxter, Head of the Woodmill Centre, Dunfermline, found that Thomas Hamilton was unusual in that "he didn't laugh at anything. He didn't joke at anything. He was far too polite". Some neighbours referred to him as sly and devious. A number of witnesses remarked that the only thing that he was interested in was boys clubs, so that it was difficult to carry on a conversation with him. A number of witnesses described him as being peculiarly calm in the face of adversity. Thus Mr George Robertson MP so described him in the face of hostile questioning from parents. His reaction to the incident on 16 May 1989 when he was assaulted by Mrs Hagger and Mrs Reilly is particularly striking. Finally while there were some boys who regarded him as a nice man, others found him "weird".

## **Events during the last 6 months of Thomas Hamilton's life**

### *Thomas Hamilton's Boys' Clubs*

5.9 By September 1995 there had been a substantial decline in his clubs. The Menstrie, Alva and Tillicoultry Club had ended in March; and a proposed club at Callander had come to grief when only one boy had attended. On 18 August he had issued a large number of circular letters to parents in Dunblane in order to deal, he said, with the false and misleading gossip about him which had been circulated by Scout officials. The letter stated that it was rumoured that he had been put out of the

Scouts or asked to leave in sinister circumstances, whereas it was he who had left the Scouts. The letter went on to say that despite the severe and obvious difficulties the Dunblane Group had operated for 15 years. He added that "many young athletes had been lost needlessly over the years and others deterred from attending". However 25 boys had attended the sports training course at Dunblane High School in the summer of 1995.

5.10 It is clear that Thomas Hamilton intended to make up for the difficulties nearer home by going further afield. In the autumn of 1995 he obtained a let in Thomas Muir High School, Bishopbriggs for a newly formed Bishopbriggs Boys Club. In order to obtain the let at an advantageous rate he obtained recognition as an approved youth organisation. For this purpose he had to comply with a number of conditions, the most important of which was to provide two references in support of his application, each referee stating that "the leaders are known to me and are worthy of support". One of the references was signed by Councillor Ball, who by then had become the convenor of the Education Committee of Central Regional Council. In evidence Councillor Ball said that he had had misgivings about signing but felt that it was difficult to refuse. He accepted that he had not given the matter as much attention as he should have done. In his application Thomas Hamilton said that there was to be a committee of 12 adults, mostly parents. His natural mother was shown as the treasurer and a young assistant, Ian Boal, as secretary. The application was granted after an official of Central Regional Council had advised Strathclyde Regional Council that Thomas Hamilton's activities should be monitored.

5.11 In the meantime Thomas Hamilton decided that he would withdraw from personal involvement in the Falkirk Boys Club. He persuaded a parent, Mr D P Jones, to take over the leadership of the club from the second week in November. This arrangement ended in early March when Mr Jones was unable to continue on account of his work commitments. Thomas Hamilton looked in from time to time at the meetings of the Club, the last time being in January or February 1996.

5.12 Meanwhile Mr Boal, who was an undergraduate student in sport in the community, began running the Bishopbriggs Boys Club. He said in evidence that he never met the members of its committee. He had expected to be running the club himself but Thomas Hamilton appeared every week. To his annoyance Mr Boal found that Thomas Hamilton had distributed leaflets which not only named him as club coach but also gave his telephone number. In January he wrote to Mr Boal criticising his coaching methods. In response Mr Boal said that he would go on only until Easter. In evidence he said: "I wasn't going to put up with the hassle he was giving me through writing a letter like that to me". At this stage boys were being bussed to Dunblane from not only Bishopbriggs but also Callander and Bannockburn. It is known from a letter which Thomas Hamilton wrote to Mr

Michael Forsyth MP on 11 February 1996, to which I will refer later, that only 5 boys from Dunblane still attended the Dunblane Boys Club, and that only one of them had attended the sports training course in July 1995. Mr Boal last saw Thomas Hamilton on 11 March when his parting words to him were "Thanks very much, Ian, see you next Monday". Mr Boal had not noticed any change in him. He said: "His personality was very dry. He wasn't the most interesting person to have a conversation with".

5.13 Thomas Hamilton applied for the use of Dunblane High School for a summer training course in 1996. Mr R Mercer who was then caretaker at the Menstrie Community Centre, gave evidence that on 12 March in a telephone conversation Thomas Hamilton requested the use of the Centre's minibus on 14 March. However, I was informed later in the Inquiry that the witness had since giving evidence indicated to the Crown that, to the best of his recollection, the accurate date for this conversation was 7 March. Little turns on this but it indicates that to outward appearances Thomas Hamilton was still actively planning for his club activities.

#### *Thomas Hamilton's activities with firearms*

5.14 While Thomas Hamilton's activities with boys were going into decline his interest in firearms was resurgent. As I will explain in [Chapter 6](#) he appears to have been relatively inactive for a number of years until 1995. His firearm certificate did not contain any record of a purchase of ammunition between 22 October 1987 and 22 September 1995. The evidence strongly indicates that Thomas Hamilton did not reload his ammunition (an operation which would not require to be recorded on the firearm certificate) but that he purchased commercially-made ammunition. Purchases of ammunition from clubs did not require to be entered in the firearm certificate unless the ammunition was not used on the occasion when it was purchased and was taken away. Accordingly it seems unlikely that Thomas Hamilton was actively shooting to any significant extent during this period. On various occasions between 22 September 1995 and 27 February 1996 he purchased a total of 1700 rounds of 9 mm and 500 rounds of .357 ammunition. On 11 September 1995 and 23 January 1996 he purchased a 9 mm Browning pistol and a .357 Smith & Wesson revolver. He had had the authority to acquire such firearms since February 1992. These were two of the handguns which he took with him to the school on 13 March; and the 9 mm Browning pistol was the competition model (pistol A) with which he shot his victims. In January 1996 Thomas Hamilton bought two holsters, apparently for the two revolvers which he now owned.

5.15 Thomas Hamilton now became much more active as a shooter. In January 1996 he shot at the Whitestone range used by the Stirling Rifle and Pistol Club. When he attended a meeting there in February Mr G F Smith, the president of the

club, noted that his shooting was reasonably good. It surprised him that he fired very rapidly all the time but he knew that this was what he always seemed to do. He said to Thomas Hamilton that with a bit of practice he ought to be going in for competitions. While he was giving him a lift home Thomas Hamilton told him that he was a coach. This surprised Mr Smith as it didn't seem to him that he was the sort of person who could get children interested. He didn't find him very interesting himself. He found him slightly effeminate and didn't particularly like him.

5.16 On 2 March Thomas Hamilton was given a lift to Largs, where the club members were to shoot. At that meeting he again fired very rapidly. He used red or orange stickers on paper targets, apparently as guides for him to aim at. Mr G S Crawford told him that that was not what they were there for and took them down. Thomas Hamilton had used similar stickers at the Whitestone Range. When Thomas Hamilton was taking part in the service pistol discipline, which includes the firing of three rounds at each of two targets at 10 metres in 6 seconds Thomas Hamilton expended 12 rounds on one target with one pistol, at which Mr Crawford said to him "that is out of order". At that meeting he was using principally the 9 mm Browning pistol which was the competition model. Mr W P Campbell, a member of the club who drove Thomas Hamilton back to Stirling, recalled that when he got out of the car in Stirling, his cousin Alexis Fawcett, who was a probationary member, and had been in the back of the car with Thomas Hamilton, referred to him saying: "That is a right weirdo, that one" and she said that he had referred to stroking his gun. She added: "He talks about guns as though they were babies".

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Prepared 16 October 1996

## Chapter 6

# Thomas Hamilton's possession of firearms and ammunition

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### Introduction

6.1 In this chapter I will be concerned with this question - How was it that Thomas Hamilton came to hold the firearms and ammunition which he did on 13 March 1996? After setting out the history of what he was authorised to, and did acquire, from 1977 until his death, I will examine the system of certification as operated by Central Scotland Police; and against that background the circumstances in which it has been maintained that his firearms certificate should have been revoked, or at any rate not renewed, before 13 March 1996. I will conclude with some observations on the system.

### History of authorisation and acquisition

6.2 I set out below the history of the granting, variation and renewal of his firearm certificate (in italics); his purchases and sales of firearms; and the general level of his purchases of ammunition, as shown on his firearm certificate. The evidence indicates that he did not reload ammunition. With the possible exception of some purchases at clubs, which did not require to be recorded, his purchases of ammunition can be taken to be those shown on the certificate.

6.3 *On 14 February 1977 Thomas Hamilton was granted a firearm certificate authorising him to purchase or acquire a .22 target pistol; and to hold 1,000 rounds of .22 ammunition, and to purchase or acquire 500 rounds at any one time.*

In his application "good reason" was given as target shooting at Callander Shooting Club or other suitable clubs and ranges.

On 20 February 1977 he purchased a .22 Vostok semi-automatic pistol. On 17 March 1977 he sold it and purchased a .22 Smith & Wesson revolver.

*On 30 August 1977 the certificate was varied retrospectively to cover the purchase of the revolver; and to authorise him to purchase or acquire a .22 rifle and a .22 semi-automatic pistol.*

On 13 September 1977 and 1 August 1978 he purchased a .22 Anschutz rifle and a .22 Browning pistol respectively.

*On 3 December 1979 the certificate was varied to enable him to purchase or acquire a .357 revolver and a .270 rifle; and to hold 100 rounds each of .357 and .270 ammunition, and to purchase or acquire 50 rounds each at any one time.*

In his application "good reason" was given as full-bore target shooting at ranges at Dunblane and under Hamilton Police Office. He also stated that he was a member of the Dunblane Rifle Club, and that he was awaiting membership of the Clyde Valley Pistol Club.

On 4 and 5 December 1979 he purchased a .357 Smith and Wesson revolver and a .270 Sako rifle. He owned the revolver until his death when he used it to commit suicide.

In 1977, 1978 and 1979 he purchased 6,500, 2,000 and 3,800 rounds of .22 ammunition respectively; and in 1979 190 rounds of .357 and 220 of .270.

6.4 *On 14 February 1980 the certificate was renewed on the existing basis.*

In his application "good reason" was given as target shooting per condition 5 on the certificate (ie on ranges covered by a safety certificate or by permission from the Ministry of Defence), with Dunblane Rifle Club and Clyde Valley Pistol Club, and other clubs on invitation.

In 1980, 1981 and 1982 he purchased 2,000, 1,000 and 4,000 rounds of .22 ammunition respectively.

6.5 *On 17 January 1983 the certificate was varied to enable him to purchase or acquire a .22 LR rifle. On 14 February 1983 the certificate was renewed on the existing basis.*

On 15 January 1983 he purchased a .22 Browning LR rifle.

On 26 October 1984 he sold the .270 Sako rifle and the .22 Browning LR rifle; and on 27 October 1984 he sold the .22 Browning pistol and the .22 Smith & Wesson revolver which he had purchased on 17 March 1977.

*On 6 November 1984 the certificate was varied to enable him to purchase or acquire a 9 mm pistol and a .223 rifle; and to hold 200 rounds each of 9 mm, .223*

*and .38 special ammunition, and to purchase or acquire 100 rounds of each at any one time.*

In his application "good reason" was stated as per condition 5. Thereafter no further specification was provided.

On 7 November and 7 December 1984 he purchased a 9 mm Browning pistol and a .223 Browning rifle respectively.

In 1983 and 1984 he purchased 1,500 and 3,000 rounds of .22 ammunition respectively; and in 1984 350 rounds of 9 mm, 200 of .223 and 200 of .38 special. On 17 December 1984 he was issued with a replacement certificate as the ammunition table on his existing certificate was full.

On 3 June 1985 he sold the .22 Anschutz rifle.

*6.6 On 30 January 1986 the certificate was varied to enable him to purchase or acquire a 7.62 rifle and another 9 mm pistol; and to hold 200 rounds of 7.62 ammunition, and to purchase or acquire 100 rounds at any one time. On 14 February 1986 the certificate was renewed on the existing basis.*

On 18 February 1986 he purchased a 9 mm Beretta pistol.

In 1985 and 1986 respectively he purchased 850 and 500 rounds of 9 mm ammunition; 100 and 50 of .357; 900 and 350 of .38 special; and 320 and 440 of .223. In 1986 he also purchased 100 rounds of 7.62 ammunition.

*On 31 March 1987 the certificate was varied to enable him to purchase or acquire a .22 rifle. The authority to hold ammunition (9 mm, .223, .38 special, .357 and 7.62) was increased to 1,500 rounds of each; and to purchase or acquire to 1000 rounds of each at any one time..*

In 1987 he purchased 900 rounds of 9 mm ammunition, 250 of .357 and 620 of .223. Between 22 October 1987 and 22 September 1995 he purchased no ammunition.

*6.7 The certificate was renewed on 14 February 1989, with continuing authority to purchase or acquire a .22 rifle and a 7.62 rifle.*

On 18 March 1989 he surrendered the .223 Browning rifle, as a consequence of the Firearms (Amendment) Act 1988; and on 27 November 1990 he sold the 9 mm Beretta pistol.

6.8 *The certificate was renewed as from 17 February 1992 and he was given authority to purchase or acquire a .357 revolver and a 9 mm pistol; with authority to hold 1,500 rounds each of 9 mm, .357, .38 special, 7.62 and .22 ammunition; and to purchase or acquire 1,000 rounds of each at any one time.*

6.9 *On 28 February 1995 the certificate was renewed on the existing basis.*

On 11 September 1995 and 23 January 1996 he purchased a 9 mm Browning pistol and a .357 Smith & Wesson revolver.

Between 22 September 1995 and 27 February 1996 he purchased a total of 1,700 rounds of 9 mm and 500 rounds of .357 ammunition. He made no purchase after the latter date.

6.10 From the above it may be noted that

- i. of the 4 handguns which Thomas Hamilton had with him at the school on 13 March 1996, he acquired the two 9 mm Browning pistols on 7 November 1984 and 11 September 1995; and the two Smith & Wesson revolvers on 4 December 1979 and 23 January 1996.
- ii. the 1,216 rounds of 9 mm ammunition held by him on 13 March 1996 can be compared with an authority to hold 1,500 rounds; and the 522 rounds of .357 ammunition may be compared with authority to hold 1,500. It should also be noted that .38 special ammunition could also be used in the revolvers, so that in effect he had authority to hold 3,000 rounds suitable for use with them.
- iii. Thomas Hamilton had not used the authority to acquire a 7.62 rifle (as from 30 January 1986); and a .22 rifle (as from 31 March 1987). However, since 1986 he had held 100 rounds of 7.62 ammunition.

### **The system for certification as operated by Central Scotland Police**

6.11 Central Scotland Police required to operate a system in accordance with the Firearms Act 1968, as amended, and the Firearms (Scotland) Rules 1989 (which for present purposes can be taken to be in substantially the same terms as the corresponding Firearms Rules of the same year which apply in England). They also were expected to have regard to the advice contained in Firearms Law: Guidance to the Police, issued by the Home Office, the present version of which was published

in 1989.

6.12 Section 27(1) of the Firearms Act 1968 provides as follows:

"A firearm certificate shall be granted by the chief officer of police if he is satisfied that the applicant has a good reason for having in his possession, or for purchasing or acquiring, the firearm or ammunition in respect of which the application is made, and can be permitted to have it in his possession without danger to the public safety or to the peace:

Provided that a firearm certificate shall not be granted to a person whom the chief officer of police has reason to believe to be prohibited by this Act from possessing a firearm to which section 1 of this Act applies, or to be of intemperate habits or unsound mind, or to be for any reason unfitted to be entrusted with such a firearm".

6.13 Section 30(1) of the Firearms Act 1968 provides that:

"A firearm certificate may be revoked by the chief officer of police for the area in which the holder resides if -

- a. the chief officer is satisfied that the holder is prohibited by this Act from possessing a firearm to which section 1 of this Act applies or is of intemperate habits or unsound mind, or is otherwise unfitted to be entrusted with such a firearm; or....."

6.14 The work carried out by the police in regard to firearm applications fell into two main parts, the first being concerned with the carrying out of enquiries; and the second with the carrying out of administration by the firearms department.

6.15 The enquiries were carried out by serving constables, subject to the qualification that as from 1991 renewals in part of the force area were dealt with by a civilian examiner, Mr N J Lynch. For the present I will describe the procedure in cases with which he was not involved.

6.16 The receipt of an application for grant, or, as the case might be, a computer-generated reminder that an existing certificate was due to expire, led to an officer being allocated to the task of enquiry. At a prearranged time he would call on the applicant (or holder) and in the course of a brief visit check the proposed (or current) security; and would check the firearms and ammunition when these were already held. He would also discuss the reason for which they were held or

proposed to be acquired. It is likely that he would also see the existing certificate where one was due for renewal.

6.17 The enquiry officer was also expected to check whether there was anything recorded against the applicant (or holder) with the Scottish Criminal Records Office (SCRO) and on the Police National Computer (PNC). The SCRO provides a record of convictions (presently not including road traffic convictions, which may be found through the Driving and Vehicle Licensing Authority (DVLA)): and of pending prosecutions. The PNC provides UK-wide information about persons who are wanted, missing or suspected or are disqualified from driving. In terms of a force memorandum dated 22 October 1990 a check also required to be made on the force's criminal intelligence. The officer was also expected to check that the counter-signatory required by the application form had duly signed it.

6.18 After concluding these enquiries the officer was required to complete a form RL3a. This form was replaced in 1990; and in its latter version it required him to answer yes or no to the question: "Is the applicant a suitable person to hold a firearm certificate?" If he answered no, he had to provide details on a separate sheet. If the SCRO or PNC had provided a trace, a print-out was to be attached to the form. No reference was made on the form to criminal intelligence. The form then asked: "What are the applicant's reasons for requiring the firearm(s) or ammunition for which 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". Thereafter the form provided for information to be given in regard to the firearms held; the reason for duplicate calibre firearms, if applicable; the suitability of the intended locations for the firearms; and the arrangements for their security.

6.19 The officer's sergeant was expected to review the completed form. Depending upon the experience of the enquiry officer and the trust which was placed in him, the sergeant would ask such questions as he considered necessary in order to satisfy himself that the enquiry had been satisfactorily completed; and would sign the form to signify that he was satisfied. The sergeant was also available to give advice should the enquiry officer encounter a problem.

6.20 The form was then passed up the normal supervisory chain of command with each officer checking that the form had been completed correctly and being able to add any information or intelligence which he considered relevant. In the event that additional information was seen to be required the form would be returned to the sergeant to have this attended to. The form in due course reached the divisional commander who would satisfy himself that all checks had been carried out and all details had been noted correctly, but would not look behind the answers given in the form. Unless there was information indicating to the contrary he would pass on the

form with a recommendation to the chief inspector of firearms that the application be granted.

6.21 In the firearms department the application and the form were checked administratively to see that the historical paperwork in the firearms file tallied with their details. The force standing orders relating to firearms and shot guns provided that it was the duty of all officers to bring to the attention of the Chief Constable any information relating to a firearm or shot gun certificate holder which might warrant revocation of that person's certificate(s). Such information was intended to be placed in the firearms file for that person. Up to May 1995 the form RL3a and the firearm file were passed to the chief inspector of firearms. Thereafter they were passed to the inspector in charge only if there was a problem with the application.

6.22 In the cases in which the enquiry officer was Mr Lynch the procedure was the same, save that until May 1992 he reported directly to the chief inspector of firearms; and as from then he passed the form RL3a to the firearms department. The chief inspector of firearms would be available for consultation; and would be involved if the firearms file contained any information which had been placed there during the currency of the certificate or if any trace had been found during the checks referred to in [para 6.17](#).

6.23 If there was no problem with the application the newly completed certificate would be passed, without the firearms file, to the Deputy Chief Constable for signature on behalf of the Chief Constable. If there was a problem the firearms file would also be passed to him.

6.24 It may be noted that the firearms file was not scrutinised prior to the form RL3a reaching the firearms department.

6.25 In the area of Central Scotland Police there are approximately 1,214 firearm certificates and 3,420 shot gun certificates.

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Prepared 16 October 1996

## Chapter 7

# The control of firearms and ammunition

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### Introduction

7.1 The Firearms Acts provide for the control of firearms and ammunition according to four levels.

7.2 The lowest applies to those for which no certificate is required for their possession, purchase or acquisition. These comprise air weapons other than those declared to be specially dangerous under the Firearms (Dangerous Air Weapons) Rules; shot gun cartridges, subject to certain qualifications; air gun ammunition; and blank cartridges.

7.3 The second level applies to those for which a shot gun certificate is required, namely shot guns provided that they have a smooth bore; have a barrel not less than 24 in. in length and do not have a barrel with a bore exceeding 2 in.; have either no magazine or a non-detachable magazine incapable of holding more than two cartridges; and are not revolver guns as defined in section 1(3)(b) of the 1968 Act.

7.4 The third level applies to those for which a firearm certificate is required, namely revolvers, pistols, rifles; higher-power air weapons, ie those declared to be specially dangerous as above; shot guns other than as described above; any other lethal barrelled weapon; and any "prohibited weapon" as next mentioned.

7.5 The fourth level applies to "prohibited weapons". Section 5 of the 1968 Act, as amended, provides that, except with the authority of the Secretary of State, the possession, purchase, acquisition, sale and transfer (and in many cases manufacture) of a number of specified types of weapons and ammunition is prohibited.

7.6 The methods of control which have been adopted to date thus consist essentially of, firstly, the regulation of the authority to possess, purchase or acquire under one or other of two kinds of certificate; and, secondly, the imposition of restrictions on certain categories of firearms by reference to their relative dangerousness.

7.7 In the aftermath of the shootings at Hungerford on 12 August 1987 it was

considered that certain firearms were so highly dangerous as to merit their placing in the class of "prohibited weapons". These included self-loading and pump-action rifles, other than those chambered for .22 rimfire and certain self-loading and pump-action shot guns (see the White Paper *Firearms Act 1968: Proposals for Reform* (1987) Cm 261 and the amendment to the 1968 Act which was effected by section 1 of the Firearms (Amendment) Act 1988). On a similar basis the 1968 Act was also amended so as to elevate certain shot guns to the level of control where a firearm certificate was required. Likewise at the lower end of the scale of control the dangerousness of air weapons is, as I have already noted, the test by reference to which they are or are not assigned to the category for which a firearm certificate is necessary.

7.8 Opinions may vary as to whether the particular types of weapon or firearm have been correctly categorised in the past, but it is clear that the dangerousness of a weapon or firearm is a concept which is fundamental to the system of control which has been in existence for many years.

7.9 In considering what are the lessons of the Inquiry it is plainly unwise for me to look narrowly at the precise events. History is unlikely to repeat itself in the exact detail. The exploration of the background to what happened, which covered a considerable number of years, has brought to light factors which, as matters turned out, did not play a part in the actual result but represented potential dangers. Thus as I turn my attention to what I should recommend for the future I require to take a fairly broad approach, so long as it has some connection with the circumstances with which the Inquiry is concerned.

7.10 The fact that Thomas Hamilton was able to retain his firearms and ammunition, along with authorisation to obtain more, raises questions not merely as to the way in which Central Scotland Police discharged their responsibilities but also as to the system by which firearm certificates are granted, renewed and revoked. Is that certification system in need of alteration? If so, in what respects?

7.11 The scale of the massacre and injuries which Thomas Hamilton was able to perpetrate and the speed with which he accomplished his purpose are such as to raise questions of public concern about the firearms which he used and had with him. Should there be a restriction on the availability of such firearms? If so, what form should it take?

### **The submission that all guns should be banned**

7.12 At this point I turn to consider the submission made by Mr C M Campbell QC who represented the families of the deceased children, the injured children, the

children who were absent from class and Mrs Harrild and Mrs Blake. I take this submission first since it would have as its logical consequence the ending of the certification system for any category of firearm. It follows therefore that I should deal with it before going further into the questions which I have posed in the last two paragraphs.

7.13 Mr Campbell emphasised at the outset that Thomas Hamilton's actions had thrown into relief the dangers to society of there being many people armed with "weapons designed to kill" and able to accomplish this with rapid and clinical efficiency. The time had come for radical change. There should be "a complete ban on the civilian ownership, possession and use of all types of gun". In support of that submission he put forward the following. First, even with the most thorough safeguards, the potential for another Dunblane would remain. Mistakes would occur. Second, there was always a conflict or tension between limited resources on the one hand and the need for a rigorous system of control on the other. Third, there was a tension between a police force seeking to regulate the shooting community and a police force which was under pressure to provide a good service to the same people. It could not be ensured that public safety would always be the paramount consideration. Fourth, there was always a potential for an individual's circumstances to change in such a way that danger arose where none existed before. The current firearms laws were not designed to cope with the present relatively large number of urban residents who possessed semi-automatic handguns for no reason other than target shooting. Fifth, the current system and the existence of shooting clubs would continue to introduce many thousands of people to guns over the years - people who otherwise would not be familiar with them. Not all of them were of impeccable character. Some were attracted by the guns themselves, their supposed glamour and their boost to the ego. Sixth, there was, he said, an apparently well-established link between access to guns and the rate of gun-crimes and gun-suicides.

7.14 Mr Campbell added that the debate should not be influenced by any supposed inherent right to hold guns. A safety-first philosophy should be adopted and this pointed to radical change. Any decision to continue to permit lawful possession of firearms necessarily implied a willingness to tolerate an increased rate of gun-crime and gun-suicide. It might be thought that the shooting community "do themselves few favours by their apparent reluctance to countenance any material change".

7.15 The BSSC in their final written submission pointed out that no witness at the Inquiry, with the exception of Mr McMurdo, the former Deputy Chief Constable of Central Scotland Police, suggested such a prohibition. They pointed out that the Dunblane Snowdrop Petition stopped short of such a call, in submitting that all firearms held for recreational purposes for use in authorised sporting clubs should be held securely at such clubs with the firing mechanisms removed; and that the

private ownership of handguns be made illegal. The BSSC maintained that there was no convincing evidence that if Thomas Hamilton had been denied lawful access to firearms, he would not have found and used some other means to carry out his premeditated plans, or been able in a relatively short space of time to acquire a firearm and ammunition from the "vast stock of illegally-held guns in circulation". They drew attention to the statement in the Green Book (Part II, paras 4 and 6) that such a prohibition would be unprecedented in a democratic country and would have very serious consequences, including adverse economic impact. Mr Mark Scoggins, who appeared for the BSSC during closing submissions, observed that even if a tension existed between a duty to regulate and a pressure to provide a service it was not in any way unique to target shooting. He instanced the position of other regulators such as the Health and Safety Executive. The general function of the police was to provide a service to the community. Even if there was a potential conflict or tension, the solution was to combine firmness with fairness. It was not correct to depict firearms laws as out of joint with the scale of firearm-ownership in modern times. Evidence had been given as to the large number of guns in private ownership before the first legislation in 1920. The assertion that the shooting community had done itself few favours overlooked the fact that their position was that "at the centre is the individual not guns". In that respect they had made a number of proposals. Sound reasons had been given for not adopting various means of control over guns which had been suggested. Mr C N McEachran QC who appeared for the Scottish Target Shooting Federation drew my attention to submissions which had challenged the assertion that there was a link between the availability of guns and the rate of gun-crime.

7.16 The submission made by Mr Campbell is of such width that it would embrace not merely handguns, with which the Inquiry was directly concerned, but also rifles, shot guns and air weapons; and would admit of no exceptions. It would prevent the use of guns for occupational purposes such as shot guns used for shooting game and vermin; rifles for deer stocking and pest control; and handguns for humane disposal of seriously injured animals, slaughtering of animals and signalling the start of races at athletic meetings. No doubt it would be possible to devise a system of exceptions which could be grafted on to a wholesale prohibition. However, the more fundamental point is that the range of uses for these types of guns is very different. Thus the considerations relating to the possession and use of shot guns are concerned with very different areas of activity from those relating to handguns. I am not persuaded that it is justifiable to approach all these types in essentially the same manner. That is quite apart from the fact that I do not consider that the availability of shot guns is a matter which has a tenable connection with the circumstances with which this Inquiry is concerned.

7.17 For these reasons I do not recommend that such a wholesale prohibition should be considered. However, that is not to say that I will not have to look at the

case for restricting the availability of certain firearms with which the Inquiry is concerned. In doing so I will have to take account of arguments which I have summarised above, as well as many more besides.

### **The order of discussion**

7.18 It follows from the view which I have expressed in the last paragraph that I do not recommend the ending of the certification system.

7.19 In [Chapter 8](#) I will consider the scope for improvement in that system in the first place before returning in [Chapter 9](#) to questions relating to the availability of firearms and ammunition. I say that for the following reasons. Firstly, if there is any lesson which is to be learned from the circumstances with which this Inquiry is concerned it is on any view a lesson relating to the certification system. Secondly, if the correct approach is to tackle the individual rather than the guns, as the BSSC and others submitted, it is only right and fair I should consider first what could be achieved by an improved certification system. If that would be enough, there is no need to look further.

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Prepared 16 October 1996

## Chapter 8

# The certification system relating to section 1 firearms

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### Introduction

8.1 In this chapter I will consider a number of aspects of the certification system relating to firearms which fall within section 1 of the Firearms Act 1968 as amended. Except where it is incidental to the discussion I will not be concerned with certification relating to shot guns in accordance with section 2 of the Act. The discussion will deal with:

- the police ([paras 8.2-8.23](#))
- the statutory basis for the granting or refusal of firearm applications and the revocation of firearm certificates ([paras 8.24-8.26](#))
- good reason ([paras 8.27-8.55](#))
- suitability ([paras 8.56-8.92](#))
- prohibited persons ([paras 8.93-8.95](#))
- security ([paras 8.96-8.97](#))
- renewal ([paras 8.98-8.102](#))
- revocation ([paras 8.103-8.106](#))
- decisions and appeals ([paras 8.107-8.119](#))
- concluding observations ([para 8.120](#))

### The Police

#### *As the licensing authority*

8.2 In March 1992 the Home Office published a consultation paper with proposals for a single national licensing authority for firearms in Great Britain - a firearms control board. This would have been run by civilians and taken over from the police the responsibility for certificates, registration and other licensing work. The Home Office paper together with the conclusions of a feasibility study identified possible advantages, including an improvement in consistency and the release of police officers for policing work. In their Third Annual Report (in 1992) the Firearms Consultative Committee saw the control board as an important first step towards

decriminalising the sporting shooter. They pointed out that shooters had long resented the fact that the sport had been governed by an Act the purpose of which was to prevent crime. However, some had commented that the strengths of the current system should not be overlooked. "Although, for instance, the police may lack technical expertise, a reliable and professional assessment of an individual's suitability to possess firearms is more important from the point of view of public safety than detailed technical knowledge. In particular it was felt by some respondents that a centralised firearms board would lose the local knowledge and intelligence available to the police" (3.5). The committee noted on the other hand that it was proposed that the police would retain all their existing powers of enforcement. The committee recommended that the Home Secretary should press ahead with work to establish the board (3.10).

8.3 After examining responses and undertaking a further feasibility study the Government announced in July 1994 that it would not proceed with the proposal. The second feasibility study concluded that it might improve the quality of service to shooters and bring greater consistency to decision-making. But it was clear that the amount and cost of work involved in setting up and running was substantially higher than the levels envisaged in 1992. The running costs would be higher than those of the existing system. In addition there was a need for continuing police involvement in firearms licensing and liaison with the licensing authority. There was a risk of duplication of effort.

8.4 The suggestion of a firearms control board was renewed at the Inquiry. The BSSC maintained that there was a case for taking the administration of licensing procedure, if not also decision-making, away from the police, leaving them to be involved in the supply and interpretation of intelligence about applicants and holders. The Shooters' Rights Association maintained that the Home Office had misrepresented the costs. The Association's proposals were intended to simplify and streamline the licensing system so that it could be used as an intelligence-gathering system. The police would carry out the inspection process in rural areas; and the work would be put out to tender in urban areas.

8.5 I am not in favour of the removal from the police of any of the functions concerned with the operation of the present system. This is not for any reason concerned with cost but on the view that there should be an integration of the carrying out of enquiries and the taking of decisions within a single organisation; that the police are in the best position to collect and assess information bearing on the suitability of applicants or holders, which is at the heart of the certification system; and that there is inevitably a close link between the certification system and questions of enforcement.

8.6 This is not to say that I do not consider there is room for improvement in

achieving a standard of expertise and consistency which is worthy of the system.

8.7 During the course of the Inquiry attention was drawn to a number of changes which had been urged upon, and to some extent taken up by, police forces. Examples were the progress in civilianisation, the introduction of postal renewals and moves to end the requirement for counter-signatories. In the report made by Her Majesty's Inspectorate of Constabulary for England and Wales on the Administration of Firearms Licensing in 1993 it was said that it was essential that shooters receive a quality service and value for money. It is no doubt appropriate that efficiency should be an aim but it should not obtain the upper hand over the primary purpose of the system which is the protection and safety of the public. Chief Constable Roy Cameron, who is chairman of the Association of Chief Police Officers in Scotland (ACPO-S) said in evidence that while there was a desire to make the system as administratively effective as possible, their concern was that this had to be matched with regulatory effectiveness.

### *Enquiries*

8.8 When examining the organisation and operation of the system used by Central Scotland Police for the carrying out and use of enquiries I expressed a number of criticisms. A number of general lessons can, in my view, be drawn from the circumstances disclosed in the Inquiry.

8.9 It is important for the enquiry officer to be supplied in advance with full information about any known change of circumstances and any reason for exercising particular caution. The need for ensuring that police intelligence is communicated and taken into account is obvious.

8.10 The enquiry officer should not be required merely to give yes or no answers to questions but to provide information on a number of matters which should be investigated as a matter of routine, so as to ensure that not only he or she investigates them but also that his superior officers are made fully aware of what was found. It is, of course, important that attention to routine should not exclude anything else. As I observed in [para 6.74](#) the enquiry officer should be explicitly reminded to be alert to any piece of information, even an impression, which could be relevant to the question of whether an applicant or holder was a suitable person. I am not convinced that there are sound reasons why visits should not be made without prior arrangement, so that any weakness in the applicant's attitude to security can be fully exposed.

8.11 A number of the submissions which were made advocated the use of checklists. Subject to the comment which I have made in the last paragraph, I

endorse their use. I note that in their Fifth Annual Report (in 1994) the Firearms Consultative Committee recommended that the police and the Home Office should work with the BSSC to produce a single non-statutory form. This has the support of Her Majesty's Inspectorate of Constabulary for Scotland, according to the terms of the draft report on the Administration of the Firearms Licensing System in 1995.

8.12 Allied to this is the matter of training and guidance. I do not share the suspicion of civilian officers which some have expressed by saying that they might be "soft" on shooters. Chief Constable Cameron observed that in his experience the use of civilians had brought a level of experience and expertise to the process which had not been there before. However, this had to be balanced against a need for adequate police line management and, in regard to the more complex issues, supervision and decision-making. He accepted that police officers who lacked technical knowledge of firearms were at a disadvantage and that this had to be compensated for by sufficient training.

8.13 As long as police officers are used in order to deal with enquiries it is important that they should be given as much training and guidance as is practicable. There is a case for using only members of a group of police officers who have been specifically prepared for the task of carrying out enquiries. However, this may be beyond what is possible in certain police force areas. I have noted with interest the fact that one police force in Scotland uses a pocket guide for beat officers who are used for this purpose. It is important that it should be borne in mind that the way in which enquiries are carried out has a significant influence on perceptions as to the professionalism and efficiency of the police force.

### *Powers*

8.14 It was pointed out in a number of the submissions that the police do not have an explicit statutory power to insist on inspection of security arrangements prior to the grant or renewal of a firearm certificate or at any time during the life of the certificate. They also do not have an explicit power to insist on inspection of the firearms held. I am not persuaded that it is appropriate to go as far as to grant police a statutory power of entry and inspection in connection with the initial grant or subsequent renewal. No doubt the police require to be satisfied in regard to the security arrangements. If the police cannot obtain satisfactory information about the security arrangements, or for that matter the firearms held, the remedy should be the refusal of the application. If necessary, legislative provision for this can be made. As regards the position during the currency of the certificate I do not consider that there are sufficient grounds to arm the police with a general right to insist on entry and inspection regardless of whether there is any apprehension of danger to the public.

8.15 The Association of Chief Police Officers for England and Wales (ACPO) submitted that police officers should be given the power to enter premises and seize firearms without warrant on refusal, revocation or suspension of a firearm certificate. The Association of Chief Police Officers in Scotland (ACPO-S) submitted that police officers should be given a power to seize certificates, firearms and ammunition prior to any revocation. It may be noted that where a firearm certificate is revoked under section 30(1)(a) or (2) of the 1968 Act the chief officer of police may require the certificate holder by notice in writing to surrender the certificate and any firearms and ammunition which are in his possession by virtue of it. Failure to comply is an offence (section 12(1) and (2) of the Firearms (Amendment) Act 1988). This would justify an application for a warrant to search premises and seize firearms and ammunition under section 46 of the 1968 Act which applies where there is reasonable grounds for suspecting that a relevant offence has been, is being or is about to be committed. However, leaving that particular case to one side, there do not appear to me to be explicit powers enabling police officers to seize certificates, firearms and ammunition where there is no question of an offence but where there is reasonable ground for suspecting that there is a substantial risk to the safety of the public. At present the police have to rely on the co-operation of the holder. I consider that provision should be made for such a power to be granted by a justice of the peace or, in Scotland, the sheriff, on the same lines as section 46. The powers under section 46 should also be extended to any civilian licensing and enquiry officer who is authorised in writing by the Chief Constable for that purpose.

8.16 I have also noted that while such civilian officers now have the right to possess firearms in the course of their duty without the need to hold a firearm certificate covering them, they do not have the same powers as police officers to inspect dealers' registers and premises and approved clubs. I agree with the view that this is an area which needs to be dealt with in the process of making civilianisation effective.

### *Database*

8.17 As regards firearms, ACPO-S take the view that a central firearms register would bring clear benefits in crime detection and prevention. They submitted that it should be the subject of a feasibility study. At present, it was said, there is no way of charting the route of firearms. They do not have unique serial numbers. Those which are acquired by dealers "disappear", in respect that dealers are not required to report such transactions but merely to log them. The SCRO maintain a database of firearms which have been lost or stolen but the police have no way of knowing how many firearms in total are in circulation.

8.18 It is clear that at present there are considerable practical difficulties in creating a central firearms register, of which the absence of unique serial numbers for firearms and their components is a primary one. In his evidence Mr D J Penn, who is the chairman of the technical and research committee of the BSSC, explained that in some instances firearms bore no serial number and in many other cases what appeared on them were merely batch numbers. He also questioned whether a significant contribution to public safety could be achieved through the creation of a central firearms register.

8.19 It is clear that the proposal of a central firearms register raises considerable questions as to its practicability and value which extend far beyond the scope of the present Inquiry. I do not consider that I am in a position to make any form of recommendation as to whether this should be pursued.

8.20 As regards firearm certificates, I understand that most police forces hold information on computer as to the individuals who hold them and the particular firearms to which each certificate relates. It is unclear whether the information which is held also includes particulars as to the individuals whose applications have been refused or whose certificates have been revoked. I note in passing that advances in the use of technology have not been as great as they should have been because a number of police forces held back during the period when a diversion was created by the proposal for a firearms control board.

8.21 In his evidence Chief Constable Cameron explained that there was a strategy in Scotland for police forces to work towards interaction. The computer systems used by the police forces in Scotland were not yet compatible. At present there was no standard approach as to the information which should be held. It was the policy of ACPO-S to advance a strategy of uniformity and commonality.

8.22 Chief Constable Cameron added that the SCRO, like its equivalent in England, provided a flagging of individuals who held firearm and shot gun certificates or whose applications had been refused or certificates revoked. It also enabled an individual to be flagged in order to show to an enquirer that another force was interested in him and might hold information about him. When road traffic convictions were entered in the SCRO, as was intended, the same would apply. The PNC presently showed such convictions but did not necessarily indicate anything about the firearm certificate or firearm application.

8.23 I note with approval the steps which are being taken in order to enable each police force to hold information on computer as to the individuals who hold firearm certificates, along with information as to the firearms held, and those individuals whose firearm applications have been refused or certificates revoked; and the

moves which are being made to enable such information to be standardised and readily exchangeable between police forces.

### **The statutory basis for the granting or refusal of firearm applications and the revocation of firearm certificates**

8.24 There are, in brief, four main considerations which feature in the language of sections 27(1) and 30(1) of the 1968 Act:

- i. "good reason" for the possession, or for the purchase or acquisition, of the relevant firearm or ammunition;
- ii. "danger to the public safety or to the peace";
- iii. prohibition by the 1968 Act from possessing a section 1 firearm; and
- iv. being of intemperate habits or unsound mind, or for any reason unfitted to be entrusted with such a firearm.

8.25 I do not consider that it is necessary for me to recommend any alteration in or addition to these concepts which have formed part of firearms legislation for many years. However, I am in no doubt that the way in which they are used and interpreted is in need of examination and revision.

8.26 I will now consider each of these concepts - in so far as relevant to the Inquiry.

#### **Good Reason**

##### *Scope*

8.27 A number of the submissions to the Inquiry proposed that there should be a definition of what classes of activity can constitute "good reason". I do not consider that it is wise for me to recommend the laying down of any rigid definition as to what can constitute good reason. New or unforeseen situations may arise and should be dealt with on their merits, in the light of the current Guidance to the Police and, where appropriate, after the advice of the Firearms Consultative Committee has been obtained. It is right that room for discretion should be left and that this discretion should be exercised by the chief officer of police. He would require to consider not simply whether the applicant has put forward a reason (which is not the same thing as a need) but also, more importantly, whether it is a "good" reason.

8.28 Other submissions have maintained that "good reason" should be defined in such a way as to exclude the possession, purchase or acquisition of certain firearms, such as the second handgun of the same calibre, or firearms intended for use in certain shooting disciplines. As regards such exclusions it seems to me that they would more appropriately be considered as proposals for restricting the availability of certain firearms, and accordingly I postpone a discussion of them to [Chapter 9](#).

*The relevance of the use of firearms and ammunition; and the use of authorisation to purchase or acquire them*

8.29 Here I refer to my discussion in [Chapter 6](#). Since "good reason" looks to the future it is not appropriate that it should depend exclusively on whether an applicant has made adequate use of what he already possesses or whether he has purchased or acquired what he was authorised to do. On the other hand "good reason" implies intention, by which I mean genuine intention ([para 6.36](#)). It is appropriate that lack of use should be taken as indicating *prima facie* the lack of such an intention; and giving cause for enquiry as to whether the applicant does in fact have good reason to possess or, as the case may be, to purchase or acquire.

8.30 This point may not require legislation. However, it does require that the existing Guidance to the Police is altered in order to make it clear that "good reason" implies intention; and that lack of past use *prima facie* indicates the lack of it. Para 6.8(e) of the Guidance should be amended accordingly.

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Prepared 16 October 1996

## Chapter 9

# The availability of section 1 firearms

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### Introduction

9.1 In the light of my conclusions in the last chapter I require to consider whether there should be a restriction on the availability of firearms which fall within section 1 of the 1968 Act, and in particular handguns; and, if so, what form that restriction should take.

9.2 I will begin with the general question whether there is a relationship between the legal availability of firearms and the incidence of crime and suicide ([paras 9.3-9.32](#)). I will then consider:

- handguns and their use in target shooting ([paras 9.33-9.44](#))
- the dangers posed by the misuse of handguns ([paras 9.45-9.53](#))
- the assessment of risk ([paras 9.54-9.62](#))
- measures for restricting the availability of handguns ([paras 9.63-9.98](#))
- the implications of restricting the availability of handguns ([paras 9.99-9.105](#))
- what should be done ([paras 9.106-9.113](#))

The chapter ends with some observations on other matters ([paras 9.114-9.119](#)).

### **Is there a relationship between the legal availability of firearms and the incidence of crimes and suicide?**

#### *Crime*

9.3 Two points are in controversy both in this country and abroad, especially in the United States of America. Firstly, is there a relationship between the legal availability of firearms and the level of firearm-crime? Secondly, even if there is such a relationship, would restriction on the legal availability of firearms affect the overall level of crime?

9.4 As regards the first of these points, there is unfortunately no systematic

recording as to the extent to which legal, as distinct from illegal, firearms are used in the commission of crime in Great Britain; and there is no routine research into this subject. Firearms used in crime are generally not recovered after they have been so used and, when they are, they are usually found to have been tampered with so as to obscure their origin. However, as the Research and Statistics Directorate of the Home Office (RSD) observed in its note, to which I referred in para 2.23: "It would be naive to think that the majority (perhaps the vast majority) of offences did not involve illegal firearms, albeit noting that some of the most notorious murders have involved lawfully held ones". Mr Colin Greenwood, a firearms consultant, used the estimate that "something like 96% of the firearms used in crime had never formed part of a licensed pool". This appears to have been based on a study by Inspector A Maybanks of the Metropolitan Police in 1992. He concluded that in only 3.6% of the cases in which firearms were used in robberies in London were the firearms known to have been previously licensed. However, this is not the only source of such evidence; and in any event it takes account only of theft as the route by which legal firearms come to be used in the commission of crime, and a particular type of crime.

9.5 A number of commentators, including not only Mr Greenwood but also Mr Michael Yardley and Mr Jan Stevenson, maintained that in the light of the large number of illegal firearms in Great Britain a restriction on legally-held firearms would not place criminals in any difficulty in arming themselves. Mr Greenwood emphasised that there was nothing which the Inquiry could recommend which would do more than was being done in order to deal with illegal firearms. Over the last decade various estimates have been made of the pool of illegal firearms. Mr Stevenson and Mr Yardley cited estimates of 4 million or more. Mr Greenwood suggested that, on the basis that there were 2.7 million firearms which were legally held in Great Britain, the illegal pool was at least equal to that figure. His estimate of the number of legally held firearms appears to me to be distinctly on the high side. I note that on the basis of data provided by police forces the Home Office in recent years estimated the total at 1.7 million. Further, there is no definite factual basis for the view that the number of illegally held guns is at least as large. It is also important to distinguish (i) the number of firearms which are used by professional criminals; and (ii) the much larger number of firearms which lie in the hands of the public. Many in the latter group, such as inherited guns and war souvenirs, are "benign" in the sense that they have been largely forgotten about and would be difficult to supply with suitable ammunition. In his evidence Mr D J Penn estimated the first of these pools at 2,000-4,000 firearms; and the latter at probably "around the million mark". Mr Yardley in his submission said that the latter pool was shrinking due to (a) changing attitudes to firearms in society; (b) a greater threat of prosecution; and (c) amnesties. The wide range of these estimates demonstrates that there is no certainty as to the size of the total number of firearms which are illegally held. The number of firearms which are used in practice by professional criminals

may well be relatively small.

9.6 Mr Greenwood placed some reliance on trends over time. He pointed out that despite the fact that the number of firearm certificates had been declining since the middle 1960s and that the number of shot gun certificates had declined since the coming into force of the Firearms (Amendment) Act 1988, the rate of armed crime in Great Britain had undergone a considerable increase. Homicides and robberies involving the use of firearms in England and Wales had risen from 26 and 464 respectively in 1969 to 66 and 4,104 in 1994. In his book on the subject he explained that this was due to a greater willingness on the part of criminals to resort to violence, including the use of firearms. Robberies with firearms were generally committed by those who by reason of their record could never hold firearms legally. Mr Stevenson emphasised repeatedly in his submission that firearm-crime formed an integral part of total crime and could not be "peeled off" by restricting the number of firearms.

9.7 There appears to be no doubt that the proportion of crime which involves the use of firearms has risen along with the general increase in crime since 1969, and indeed has shown a small upward trend relative to the general increase; and that illegal firearms have been used increasingly since that time. However, there is no way in which this can be measured. Likewise the extent to which what are thought to be firearms are in fact imitations is not known with any degree of certainty.

9.8 As I have already noted, one of the ways in which firearms can find their way into use in the commission of crime is following their theft. In 1994 there were just under 3,000 offences in England, Wales and Scotland in which one or more firearms were stolen, most often from residential property, although it should be noted that the principal weapon which was stolen was an air weapon in more than 50% of cases, whereas it was a shot gun in 19.5% of cases and a pistol in only 9.6%. It should not, of course, be assumed (i) that firearms were the main object of the crime; or (ii) that the firearms stolen were in fact legally held.

9.9 In addition to the conclusion of Inspector Maybanks to which I referred in [para 9.4](#) I noted that a study by Morrison and O'Donnell in 1994 showed that 6% of the armed robbers who were interviewed for the purposes of that study (5 out of 84) knew that the gun which they had used had come from a residential burglary. The robbers stated that their main sources of firearms were burglaries, the army and illegal imports from Europe. Again it may be unwise to assume that the firearms in question had all been held legally by the victims of the burglaries but it seems reasonable to take it that a substantial proportion of them were so held. A study for the Home Office, *Theft of Firearms* by Martin Corkery in 1994 showed that at least 9% of the firearms recovered had, since being stolen, been used in crime, mostly

robberies. Virtually all the firearms had been licensed.

9.10 In addition, in an examination of 152 out of the 196 cases of firearm homicides in England and Wales in the years 1992-94 it was found that in 5% of the cases in which firearms were not legally held at the time of the crime (7 out of 130) the firearm was "believed to have been stolen". There were 88 homicides where the police did not know whether the firearms had been stolen or not. An examination of 34 cases in Scotland in 1993 where a firearm was used in connection with murder, attempted murder, culpable homicide, and assault and robbery showed that in 20% of the instances in which the source of the firearm was identified (4 out of 20) the firearm was said to have been stolen.

9.11 Another way in which legally held firearms could be involved is through the perpetration of serious crime by their legal owners. The shootings at Hungerford and Dunblane provide stark examples. However, Mr Greenwood claimed that it was generally accepted that, save in a small number of cases of domestic violence, legally held firearms were not used in crime by their original owners. The study of homicides in England and Wales to which I referred in the last paragraph showed that the firearm was lawfully held by the perpetrator in 14% of the cases in which it was known whether the firearm was legally held or not (22 out of 152, mostly domestic homicides). In one additional case it was held by a member of his family. No firearm which was lawfully held was used in a robbery. According to information provided by The Scottish Office, in 12.5% of the firearm-homicides in Scotland in the years 1990-94 (3 out of 24) the firearm was lawfully held by the perpetrator. In the study for 1993 to which I referred in the last paragraph it was shown that 7.3% of the firearms which featured in the crimes (3 out of 41) were legally held.

9.12 The statistical evidence to which I have referred in the last four paragraphs is of limited value. It is based on comparatively small numbers over only a few years. However, it does show that while illegal firearms are used in the great majority of firearm-related crimes, and especially robberies, the existence of legally held firearms leads to their use in crime in a significant, though relatively small, number of cases

### *International comparisons*

9.13 In Annex G to the Green Book the RSD discussed certain recent research into the relationship between firearm-ownership and firearm-homicide. This material was strongly criticised by a number of commentators, in particular Mr Greenwood, Mr Stevenson, Mr R A I Munday and Mr Steven W Kendrick. The RSD provided a further note, prepared by Ms Pat Mayhew, which was followed by further

submissions from the four commentators. In his closing submissions at the end of the Inquiry Mr C M Campbell founded on the written evidence of Professor Thomas Gabor which had been submitted on behalf of his clients. Professor Gabor is Professor of Criminology in the University of Ottawa and has made a study of criminal violence for almost 20 years.

9.14 The main research to which the RSD referred was certain of the work of Professor Martin Killias of the University of Lausanne which was published in 1993. He sought to use the results from the International Crime (Victimisation) Surveys of firearm ownership in eighteen countries in 1989 and 1992; and to compare the results with the levels of firearm- homicide in those countries. Previously the lack of measurement of the availability of firearms across a wide range of countries on the same basis presented a major difficulty in investigating the link between ownership and homicides. In these surveys the measure used was not the number of firearms but the number of households in which a firearm was owned.

9.15 The RSD considered that the comparison of firearm homicide per million of population with the percentage of households in which a firearm was owned, as set out in Annex G, did not show an exact relationship, but that the overall picture indicated a strong statistical relationship. That relationship was taken to be of some value in ascertaining whether there was a relationship between the legal ownership of firearms and the incidence of firearm-homicide.

9.16 There is no doubt that the work of Professor Killias attracted criticism in some academic quarters. Its use by the RSD drew scornful observations from the commentators to whom I have referred. Some said that resulting levels of firearm-ownership in certain countries or the apparent relationship of one country to another lacked credibility. It was maintained there were differences of definition and recording of crime as between one country and another which made comparison unreliable. It was also suggested that the picture could be much affected by the inclusion or exclusion of particular countries. But the aspect of the exercise to which the most trenchant criticisms were directed was the method by which the researchers had sought to find out whether anyone in a household had a firearm. This was done by random survey by telephone call. 47% of those who responded to the call refused to answer the question or terminated the interview. The commentators maintained that this could not give realistic results.

9.17 The RSD accepted that there was force in some of the criticisms to which I have referred but maintained that their strength was exaggerated. The point was that there was a strong overall association between firearm-homicides and firearm-ownership. The fact that the survey was conducted by telephone did not invalidate the figures. It might indeed lead to a more reliable result than face-to-face

interviewing. In any event it did not show that there was a difference in preparedness to admit ownership as between one country and another. The fact that the response rate was lower in some countries and higher in others (47% being the average) did not of itself affect the reliability of the measurement.

9.18 I should add at this point that in their submission to the Inquiry, which is reproduced in their Seventh Annual Report (for 1995), the Firearms Consultative Committee noted that Annex G had rightly drawn attention to the ideological and partisan nature of the academic debate on gun control. However, Professor Killias' study had been strongly criticised for its factual inaccuracy and its methodology. They then referred to a footnote to page 74 of Annex G which stated that in Switzerland where gun availability was relatively high because of the reserve militia, ammunition was kept in sealed boxes which were checked every year and was not available for sale. This was said to be based on Professor Killias and to be incorrect. The Firearms Consultative Committee then stated: "The validity of Killias' exclusion of military arms from his Swiss gun ownership rates is therefore seriously open to doubt, as the arm is in the home and ammunition is readily available". In its note the RSD accepted that the statement in the footnote was probably incorrect but they pointed out that in the particular study from which the results were shown in Annex G military weapons in Switzerland were taken into account.

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Prepared 16 October 1996

## Chapter 10

# School security

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### Introduction

10.1 This chapter is concerned with the safety of staff and pupils in schools, and in particular with their protection against violence. It is written primarily from a Scottish standpoint. In some cases violence may take the form of an attack by an unauthorised intruder, such as Thomas Hamilton. In other cases a person who has gained access to the school on some basis, such as being a parent or having some work to perform, becomes violent when he is there. Not all attacks are premeditated. Some might arise spontaneously, when the aggressor is, for example, under the influence of drink or drugs, suffers from some form of mental instability or simply loses self-control in an excess of anger.

10.2 The subject of violence to staff, and in particular staff in the education sector, has attracted a significant amount of interest in the last 10 years. I would refer in particular to the report *Preventing Violence to Staff* by B Pointer and C Warne of the Tavistock Institute of Human Relations which was published by the Health and Safety Executive (HSE) in 1988 and the guidance contained in *Violence to Staff in the Education Sector* which was prepared by the Education Service Advisory Committee (ESAC) and published by the Health and Safety Commission (HSC) in 1990. The ESAC advises the HSC on the health and safety at work of employees in the education sector and on the protection of pupils, students and others on directly related hazards arising from work activities. The ESAC's working definition of violence is: "Any incident in which an employee is abused, threatened or assaulted by a student, pupil or member of the public in circumstances arising out of the course of his or her employment". I am also aware of the work of the Suzy Lamplugh Trust which includes a comprehensive guide to personal safety for education staff.

10.3 There has been a clear recognition of the potential dangers to pupils arising from the state of school premises, machinery and equipment and from the processes and substances which are used in the course of school work. It is also recognised that there should be arrangements for security to prevent unauthorised access to the school. However, so far as I have been able to determine, there has been little, if any, published guidance on tackling the dangers which an unauthorised intruder could pose to the school population at large, and in particular its pupils.

10.4 It is, of course, possible for action to be taken against intruders by the police and the criminal justice system. In the report of the Working Group on School Security which was presented to the DfEE in May 1996 reference was made to certain statutory offences in England and Wales (para 7); and in its commentary The Scottish Office Education and Industry Department mentioned the equivalent powers in Scotland. No doubt the existence and use of the law will have some deterrent effect. However, in this chapter I am concentrating on a proactive approach to the subject.

### **Factors for consideration**

10.5 It is understandable that in the aftermath of what happened at Dunblane Primary School there should be calls for additional measures to protect the school population, either in the form of physical alterations to schools or an increase in the extent to which access to them is supervised. However, it is plain that schools vary greatly across the country in regard to their nature, size, layout and age. What would be appropriate for an inner city school of 700 pupils would be unlikely to be suitable for an isolated rural school. Some older schools may be housed in accommodation originally designed for a different purpose. Some schools may operate on split sites. Some methods of opening locked doors could be operated by older children but would be impracticable for younger or disabled children.

10.6 The protection of the school population needs to be carefully distinguished from the related problem of providing protection to school buildings and equipment which may be at risk of vandalism, theft or fire-raising. Some measures may be of greater significance for the latter than for the former. In allocating scarce resources it is necessary to be clear as to the object of what is proposed and the value of what it can achieve.

10.7 In considering any particular measure it is clearly necessary to consider not merely whether and to what extent it would be practicable and effective but also whether it would be acceptable. The point has often been made that schools should be welcoming places. Many schools represent a community facility, receiving adults for evening classes and recreation. It would be unacceptable to carry measures to the point where schools were turned into fortresses. At some point a balance has to be struck.

10.8 Whatever measures are to be taken it is unrealistic to expect that the risk of a violent intruder gaining access to a school can be eliminated. All that can be done is to take whatever measures are reasonably practicable.

### **Protection from violence through the management of safety**

10.9 I am in no doubt that a solution to the problem of protection should be tackled through the application of sound principles of safety management.

10.10 The principal legal basis for the responsibility for the protection of staff against violence which they encounter in the course of their work lies in section 2 of the Health and Safety at Work Act 1974, under which every employer has "to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees". This duty is not confined to the physical working environment but covers also the provision of information, training and supervision. Subsection (3) of section 2 supports the main provision by imposing a duty to prepare and issue a statement of policy and the organisation and arrangements for carrying it out.

10.11 At the same time every employer has a duty under section 3 "to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that persons not in his employment who may be affected thereby are not exposed to risk to their health and safety".

10.12 Section 4(2) of the Act also imposes a similar duty on every person who has to any extent control of premises in connection with his carrying on an undertaking, the means of access thereto or egress therefrom or of any plant or substance in such premises.

10.13 I do not intend to embark on an exposition of how the duties imposed under the health and safety legislation should be complied with or to attempt to improve on the guidance which the HSE and the ESAC have issued from time to time in their various publications relating to statements of policy or successful health and safety management. However, I propose to highlight a number of aspects which appear to me to be pertinent to the subject of this chapter in the light of the evidence which I heard.

### *Legal responsibility*

10.14 Firstly, it is important that there should be no misunderstanding as to the persons on whom the legal responsibility for safety, and hence the responsibility for seeing that action is taken, lies. An employer may delegate the performance of various functions to others but he cannot delegate his responsibility under the Act. Thus, purely by way of example, recent decisions have shown that employers cannot avoid their duty under section 3 by pointing to the extent to which they have delegated their functions to an independent contractor or by showing that senior management were not involved in the breach (*R v Associated Octel Co Ltd* [1994] IRLR 540; and *R v British Steel plc* [1995] ICR587).

10.15 In Scotland the employer in regard to schools is the local authority, except in the case of self-governing schools where the employer is the board of management; and in the case of independent schools where it is the proprietor. In England and Wales the position in regard to legal responsibility is different.

### *Functions*

10.16 Secondly, it is important that there should be no uncertainty as to the allocation of health and safety functions. I would draw particular attention to the advice about the organisation for safety which is set out in paras 10-14 of *Safety Policies in the Education Sector*, (revised 1994) which was prepared by the ESAC. This includes the point that key personnel in the line management structure should be identified and their health and safety roles clearly defined. I mention this aspect particularly in view of the fact Mr G D Jeyes, Director of Education for Stirling Council, who attended as a witness in regard to school security and who spoke of the desirability of making risk assessments, appeared to be unsure as to whether the 1974 Act applied to schools.

### *Safeguarding against violence*

10.17 Thirdly, the duty which an employer of teaching staff has under section 3 plainly covers the safeguarding of pupils against violence associated with the running of the school. The expression "risk" in section 3 conveys simply the idea of the possibility of danger (*R v Board of Trustees of the Science Museum* [1993] 1 WLR 1171); and there can be no doubt that an attack by an intruder is a possibility, as the events at Dunblane Primary School and other schools in this country have demonstrated. This is not an aspect of health and safety which has been specifically recognised in the past, at least in the case of some education authorities. Mr B W Pill, Health and Safety Adviser to Stirling Council, and formerly to Central Regional Council, frankly accepted that in the formulation of the safety policy for the Regional Council the idea that anyone might enter school premises to commit assault "never crossed our minds". However, he accepted that intruders would now require to be considered.

### *Preventive strategy*

10.18 Fourthly, the existence of that risk calls for the working out of a preventive strategy, at the heart of which is risk assessment. Such an assessment is implicit in the test of reasonable practicability, by means of which those who have duties under the 1974 Act can demonstrate that they have fulfilled their responsibilities. However, it came to be explicitly required by the Management of Health and Safety at Work Regulations 1992, which provide by regulation 3(1):

"Every employer shall make a suitable and sufficient assessment of -

- a. the risks to the health and safety of his employees to which they are exposed whilst they are at work; and
- b. the risks to the health and safety of persons not in his employment arising out of or in connection with the conduct by him of his undertaking,

for the purposes of identifying the measures which he needs to take to comply with the requirements and prohibitions imposed upon him by or under the relevant statutory provisions".

For this purpose previous incidents, which should be recorded in a systematic fashion, may on analysis yield useful information in identifying and evaluating risk. However, the exercise of assessment covers any significant risk whether or not it has yet been realised. To assist the employer in undertaking the measures he needs to take to comply with the requirements and prohibitions imposed upon him, regulation 6 requires him to appoint one or more "competent persons". On the basis of the risk assessment and its regular review decisions have to be made as to what should be given priority, which of a number of alternative courses should be adopted and how the effectiveness of these measures should be monitored.

### *Individual schools*

10.19 Fifthly, the differences between individual schools indicate that each is likely to pose its own particular set of strengths and weaknesses; and that the assessment of risk should take account of each situation. If a blanket approach to the installation of measures is adopted this may involve unnecessary or inappropriate expenditure. If, on the other hand, each school is left to proceed with what it can do in a piecemeal fashion this may lead to a risk being overlooked or under-appreciated. What seems to me to be needed is a safety strategy and action plan for each school which would be based on a risk assessment relating to its particular features.

### **Possible measures**

10.20 What approach should be adopted in the action plan for a particular school and what measures the plan should include must, of course, depend upon the particular case. However, I will set out an outline of the main points which were put to me in the helpful submissions which I received. At the risk of being thought to be

providing a glimpse of the obvious I will consider the protection of the school population in two phases, first, restricting or regulating access to the school; and second, dealing with emergencies within the school.

### *Access to the school*

10.21 It may be of value to consider whether the school should have one or more than one line of defence. Should the first line of defence be the boundary which defines the grounds of the school. Should attention be given to walls, fences or gates? Should steps be taken in other ways to restrict public access to or through the grounds?

10.22 Next, turning to the playground, should it be lit in the evenings and in winter? Are there any special risks associated with outlying buildings, courtyards or the school car park? Is there a need for surveillance by closed circuit television?

10.23 As regards the means of entry to the school buildings, there may be scope for restricting access by reducing the number of doors or by modifying them. However, that may have to be balanced against a number of other factors. Should some subsidiary doors be altered so as to operate as fire doors, opening outwards only? Should there be some form of special entry system? Should this require locks which can be operated by means of a code? Or should it be an entryphone system, which may involve additional manning? Is some form of surveillance of the entry points required? Each of these methods may involve significant drawbacks, such as presenting a forbidding aspect or creating difficulty for children to understand and use. Should any of the windows be modified so as to prevent them being used as a means of entry?

10.24 Taking next the reception of those who visit the school, should parents and others be required to give advance notice of their intention to visit? Should some form of surveillance be installed at subsidiary points of entry? Are the signs in the school adequate to provide clear directions to a reception point? What staff, such as a janitor or a secretary, should be on hand to speak to those entering the school? What training should they have for dealing with aggressive visitors? What backup should they have? Should there be a system whereby all visitors sign in and sign out? Should there be badges to indicate who are members of staff and who are visitors?

### *Dealing with emergencies*

10.25 Let me suppose a situation in which some untoward incident is imminent or is already in progress. The object will be to contain and defuse the situation on the

one hand; and on the other make sure that staff have immediate support and can call for assistance. The first points to the need for staff to receive regular training in dealing with aggression, acquiring knowledge of security procedures and equipment and in general cultivating a sense of safety awareness. The latter involves a consideration of physical measures which will depend very much on the school layout. It may be appropriate to consider panic buttons or telephones, especially in regard to outlying buildings. Personal alarms for teachers may be required. Closed circuit television may be of some assistance but if it is to help in averting or minimising the effect of incidents it will require to be monitored. Pupils can be encouraged to play their part by being alert to the presence of strangers and aware of security and evacuation procedures.

### **Further guidance**

10.26 I have noted that the ESAC is updating its guidance in regard to violence to staff in the education sector. It would, in my view, be of significant assistance to the efforts of those with legal responsibilities in that sector if that guidance could be extended to encompass the safety and protection of the school population as a whole, particularly in view of the problems which this presents in reconciling conflicting objectives and in striking the right balance in the use of limited resources.

10.27 The safety of the school population should be a consideration during the designing of new school buildings and significant alterations to existing buildings, when the opportunity can be taken to apply lessons derived from the weaknesses of the past. I note that according to paragraph 19 of the Report of the Working Group on School Security, to which I referred above, that *Crime Prevention in Schools: Practical Guidance* which was published by the Department of Education and Science in 1987 is due to be replaced by the DfEE in the coming year. Since The Scottish Office Education and Industry Department has generally withdrawn from the practice of issuing guidance to local authorities on matters relating to school buildings there are no plans in Scotland for the issuing of separate guidance equivalent to what the DfEE produce. However, I understand that The Scottish Office Education and Industry Department intends to draw the DfEE's guidance on school security to the attention of education authorities and any other relevant interests in Scotland.

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## Chapter 11

# The vetting and supervision of adults working with children and young people

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### Introduction

11.1 This chapter is concerned with the means of protecting children and young people who attend clubs or other groups against abuse by leaders or others who have regular contact with them; and in particular with the steps which can and should be taken to vet such persons and to supervise their conduct. I will be considering this subject from a Scottish standpoint, but I will require for certain purposes to refer to practice in England and Wales.

11.2 The evidence in the Inquiry showed the relative ease with which Thomas Hamilton over many years was able to open a succession of clubs in a number of local authority areas despite persistent complaints and concerns about his behaviour. There was no system in general use for the vetting of persons who operated such clubs or for monitoring their conduct. No doubt such systems could be introduced for dealing with the premises of local authorities. During the course of his evidence Mr G D Jeyes, Director of Education of Stirling Council, spoke to the adoption of vetting procedures by the Community Committee of the Council on 8 May 1996. However, this does not achieve the dissemination of information about those persons who are regarded as potentially unsuitable, nor does it deal with those who use premises other than those owned by a local authority.

11.3 The opportunities which adults have for coming into direct contact with children and young people in clubs or other groups are very many. The form of contact can vary from activities where a group of adults are involved, such as in the Scouts or Guides, to cases where a single adult may be involved with a single child, eg in personal tuition. It can range from well-regulated statutory relationships, such as those between teachers and pupils, to informal activities which may be based on personal friendship or family contacts. Membership of a club or group may be free of charge or in return for payment. The payment could be a small subscription to cover costs or a fee which would also provide a return. The adults may or may not be personally known to the parents. The venue for club activities may be a public building, a private building or simply somewhere out of doors. The activities cover arts, music and drama tuition as well as coaching and training in a variety of sports and practical skills.

11.4 At present there is nothing to prevent an individual declaring himself or herself a "youth leader", renting premises and starting a youth club or some other similar kind of activity for children over 8 years of age.

11.5 The number of those involved in working with children and young people on a paid or voluntary basis is very large. According to The Scottish Office paper of June 1996 on the recruitment and supervision of adults, between 70,000 and 100,000 adults are associated with recognised voluntary youth organisations, which number around 11,000. In addition, there may be the same number of adults involved with young people outwith the ambit of recognised youth work organisations; and many volunteers working within organisations concerned with child care, such as befrienders, home visitors and playgroup workers. There is also an unknown number of individuals working alone outwith any organisation, often in very informal arrangements. A youth club may be set up on a trial basis, either to explore the demand for such an activity, meet a short-term need or for the individual to assess his or her aptitude to undertake youth work. Such clubs may continue, become affiliated to a larger organisation or simply cease to operate. Another situation is where a parent or interested individual assists in the absence of a recognised leader.

### **Existing controls and advice**

11.6 In general the existing levels of control are greatest in the case of statutory bodies; and with organisations working with the youngest children, as I will explain in the following three paragraphs.

11.7 It is common practice for statutory bodies to require references at the time of recruitment and to ensure that they are of the right kind. A check with the Scottish Criminal Records Office (SCRO) is mandatory in the case of a person who applies for admission to the register held by the General Teaching Council for Scotland. Statutory bodies which are involved in the provision of health, social work and educational services may require an SCRO check in the case of a wide range of posts, depending on the access which the applicant would have to children. Such a check would include any convictions which are "spent" for the purposes of the Rehabilitation of Offenders Act 1974. In England and Wales employers in the statutory sector may, depending on the policy of the particular police force, obtain additional information about offenders from local police records.

11.8 In addition local authorities hold lists of those who have been struck off the register of the General Teaching Council and of those who have been banned from employment as teachers in England and Wales (the latter being referred to as list 99 of the DfEE).

11.9 Voluntary organisations which provide "day care" (which includes "supervised activity") for children under 8 years of age for 2 hours or more in a day and on more than 6 days in any one year have to register and be inspected under Part X of the Children's Act 1989, which applies to Scotland, England and Wales. In connection with this legislation local authorities require two references and may require an SCRO check to be made. There is a current proposal to amend the legislation to exclude "supervised activities", the prime purpose of which is to develop skills rather than provide care; and to extend the exemption for occasional day care facilities from 6 days to 60 days in any one year.

11.10 There appear to be greater controls within large well-organised voluntary organisations than within small voluntary or private organisations. Many of the former adopt practices which are in line with the advice contained in the code of practice *Protecting Children* which was produced by Volunteer Development Scotland. The aim of this code of practice is to encourage voluntary organisations to make the protection of children from physical, sexual and emotional abuse an integral part of their policy and practice. To that end the recommendations in the code are directed essentially to three matters: (i) procedures for the selection of suitable staff and volunteers, including using references, interviewing all applicants as to their experience of working or contact with children, asking all applicants about any conviction for criminal offences against children and making appointments conditional on the successful completion of a probationary period; (ii) the arrangement of work and supervision to prevent opportunities for abuse; and (iii) the use of definite procedures for dealing with complaints or suspicions of abuse, including a system whereby children may talk to an independent person. At present there is, of course, no means by which the use of an excellent code such as this can be made a condition of the operation of a voluntary organisation. For some organisations these arrangements might be considered to represent an onerous burden. The more informal or infrequent a club the less likely it is to have the structure to implement such a code. The less "professional" a group the less likely it is to have a person who would be experienced in vetting or interviewing.

11.11 The recommendations in the code of practice to which I referred in the previous paragraph includes the advice that voluntary organisations should obtain at least one reference from a person who has experience of the applicant's work with children, whether paid or voluntary. This is in accordance with normal good practice. At present voluntary organisations in Scotland do not have direct access to the SCRO, although some have access to information informally through their local police force or more formally through local authorities for which they are providing services. Organisations are not encouraged to request applicants to obtain details of any record which is held in respect of them by the SCRO.

11.12 It has been proposed in the consultation document *On the Record in Scotland*, which was issued by the Home Department of The Scottish Office in June 1996, that the existing arrangements for access to the SCRO should be extended to, *inter alia*, voluntary bodies in respect of employees, trainees and volunteers whose duties involve regular contact with children. It is proposed that each organisation which wishes to obtain such a check would require to register with the SCRO, agree to abide by a code of practice to preserve confidentiality, and indemnify the police and the SCRO against any civil action arising from the use to which the information may be put. It is also pointed out that in order to avoid the SCRO being overwhelmed by requests for registration, it may be necessary to set a threshold of a minimum estimated number of checks per year below which an organisation would not be able to secure direct access. However, it would be open to smaller organisations to group together, perhaps using existing trade or professional associations, or to link with a larger organisation in order to meet the necessary conditions.

11.13 It may also be noted that in England but not in Scotland, the Department of Health provides a pre-employment consultancy service for social work authorities and voluntary organisations. According to The Scottish Office paper of June 1996 this service consists of a list which, apart from including the DfEE's list 99, notes the convictions of those who at the time of conviction were in child care work; and the names of persons formerly in such work who have been dismissed, or have resigned or been moved to other work, or left in circumstances which suggest that the safety or welfare of children was, or may have been, put at risk. A similar service is available in Northern Ireland through the Department of Health and Social Services. The effectiveness of this type of check is dependent on the provision of information by organisations to a specially qualified information bureau.

### **Is there a need for further measures?**

11.14 Having considered the very wide field with which I started I propose to concentrate on situations in which children and young people under 16 years of age voluntarily attend clubs or groups for their recreation, education or development. I distinguish the cases in which they have no choice, such as the requirement to attend school, since in such cases there are well-developed systems for the scrutiny of those who have children and young persons under their charge.

11.15 I consider that it is preferable to take an approach which is directed to safeguarding children from the attentions of unsuitable people rather than to create additional offences to deal with problems after they have occurred.

11.16 It could be maintained that it is sufficient to leave each club or group to regulate itself, adopting whatever practice it chooses to limit the potential for abuse. Thus parents would have to assure themselves that the club or group was run on satisfactory lines and that there was no reason for them to think that the leaders or those who had unsupervised access to their children were unsuitable for the work.

11.17 However, if it is to be left to individual clubs or groups to carry out their own checks and to adopt whatever practice they please there would be no system for ensuring, or at any rate obtaining assurance, that the checks were adequate or that the practice was sufficient for the protection of those who attend their activities.

11.18 Further, it may be said that parents are not always in a position to make adequate enquiry into the way in which clubs or groups are run or their personnel are checked. Parents sometimes have to take a great deal on trust; and it is reasonable that they should be assured that the clubs or groups which their children attend have shown that they provide an adequate degree of protection against abuse. The children's safety is paramount.

11.19 The information which can be provided by the SCRO gives details of convictions and enables the enquirer to determine whether there is anything which makes the applicant obviously unsuitable. Such a check would reveal any offences committed against children and to this extent the SCRO record fulfils the role of a paedophile register. However, as I have already indicated, smaller organisations may face difficulties in obtaining access to this source of information. Apart from anything else, they may not be in a position to give an indemnity. In any event the interpretation of the information may create problems for them. Even if the SCRO check reveals nothing of significance it does not follow that there is no risk of abuse. It is common for a child abuser to have offended many times before he is detected. While the SCRO check provides information not only about convictions but also about pending cases it does not extend to other intelligence. In the case of Thomas Hamilton it would have revealed nothing, whereas the experience of the Scout Association with him was sufficient for them to "blacklist" him. These considerations point to the desirability of finding a means of assembling information which would alert any legitimate enquirer as to information about a person's past behaviour which indicates his potential unsuitability.

11.20 As matters stand there is no system for co-ordinating information between different areas of the country about persons regarded as potentially unsuitable for work with children and young people.

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Prepared 16 October 1996

## Chapter 12

# Summary of recommendations

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In this chapter I will set out a summary of the recommendations which I have made in Chapters 8-11. Each recommendation in the summary is followed by a reference to the paragraph or paragraphs to which it is directly related and which provide further detail.

### **The certification system relating to section 1 firearms**

#### *The police*

1. Officers carrying out enquiries should be supplied in advance with full information about any known change of circumstances and any reason for exercising particular caution ([para 8.9](#)).
2. The use of checklists by enquiry officers is endorsed, subject to the need for them to be alert to and report anything which could be relevant to the suitability of the applicant or certificate holder ([paras 8.10-8.11](#)).
3. Enquiry officers should be given as much training and guidance for their work as is practicable ([para 8.13](#)).
4. The power of search with warrant under section 46 of the Firearms Act 1968 should be extended to cases in which there is reasonable ground for suspecting that there is a substantial risk to the safety of the public; and to include in such cases the power to seize and detain any firearm certificate which may be found ([para 8.15](#)).
5. The power of search with warrant under section 46 of the Firearms act 1968 should be extended to any civilian licensing and enquiry officer who is authorised in writing for that purpose by the Chief Constable ([para 8.15](#)).
6. The powers enjoyed by police officers to inspect dealers' registers and premises and approved clubs should be extended to civilian licensing and enquiry officers who are authorised in writing for that purpose by the Chief Constable ([para 8.16](#)).
7. The steps being taken to enable police forces to hold and exchange information

on computer as to the individuals who hold firearm certificates, and those whose firearm applications have been refused or certificates revoked are endorsed ([para 8.23](#)).

*Good reason*

8. The Guidance to the Police should advise that good reason implies intention; and that lack of past use *prima facie* indicates the lack of it ([para 8.30](#)).

9. Section 30(1) of the Firearms Act 1968 should be amended so as to provide for -

- the revocation of a firearm certificate on the ground that the chief officer of police is satisfied that the holder does not have a good reason for having in his possession, or for purchasing or acquiring, the firearm or ammunition in respect of which the certificate is held; and for partial revocation; and
- in the case of the revocation of a firearm certificate in respect of the ammunition to which it relates, the power to substitute different quantities ([paras 8.31-8.33](#)).

10. Each club which is approved for the purposes of section 15 of the Firearms (Amendment) Act 1988 should be required to maintain a register of the attendance of its members who are holders of firearm certificates, together with details as to the firearms which they used and the competitions in which they participated when they attended ([para 8.42](#)).

11. Every holder of a firearm certificate should be required to be a member of at least one approved club; and the firearm certificate should specify the approved club or clubs of which he or she is a member and the firearms which he or she intends to use in each of them ([para 8.44](#)).

12. Each approved club should be required to inform the police when a holder of a firearm certificate has ceased to be a member of the club for whatever reason ([para 8.50](#)).

13. Each approved club should be required to inform the police when a member who is the holder of a firearm certificate has not attended a meeting of the club for a period of a year ([para 8.51](#)).

14. The proposal that each club should appoint a person to act as a liaison officer

with the police is endorsed ([para 8.52](#)).

15. Explicit statutory provision should be made for the laying down of criteria for the approval of clubs for the purpose of section 15 of the Firearms (Amendment) Act 1988 ([para 8.53](#)).

### *Suitability*

16. The language of section 30(1) of the Firearms Act 1968 should be brought into full correspondence with that of section 27(1); and each revised in order to achieve a logical and consistent arrangement ([paras 8.62 and 8.65](#)).

17. Section 27(1) of the Firearms Act 1968 should include as one of the conditions on which the granting or renewal of a firearm certificate is dependent that the chief officer of police is satisfied that the applicant is fit to be entrusted with the firearm and ammunition to which the application relates ([para 8.63](#)).

18. It is desirable that the Guidance to the Police should contain advice as to the scope of "fitness" to be entrusted with a firearm and ammunition ([para 8.64](#)).

19. Each approved club should be required to inform the police of the receipt of an application for membership; and the outcome of the application ([para 8.71](#)).

20. Each applicant for membership of an approved club should be required to state whether or not he or she has submitted any prior application for a firearm certificate or a shot gun certificate which has been refused; and whether he or she has previously held such a certificate which has been revoked ([para 8.73](#)).

21. The current requirement for a counter-signatory of a firearm application should be abolished; and replaced by a system for the provision of two references ([para 8.81](#)).

22. The proposal by the Association of Police Surgeons for the provision by the applicant's medical practitioner of information as to the applicant's medical history and its consideration by a forensic medical examiner should be the subject of consultation with the interested bodies ([para 8.90](#)).

### *Decisions and appeals*

23. Consideration should be given to the reform of the scope for appeal against

decisions of the chief officer of police by restricting it to enumerated grounds which do not trench on the exercise of his discretion ([para 8.119](#)).

### **The availability of section 1 firearms**

24. Consideration should be given to restricting the availability of self-loading pistols and revolvers of any calibre which are held by individuals for use in target shooting

- preferably, by their disablement, while they are not in use, by either (i) the removal of the slide assembly/cylinder, which is to be kept securely on the premises of an approved club of which the owner is a member or by a club official; or (ii) the fitting of a locked barrel block by a club official ([para 9.112](#));
- or, if such a system is not adopted, by the banning of the possession of such handguns by individual owners ([para 9.113](#)).

### **School security**

25. Those who have the legal responsibility for the health and safety of the teaching staff and pupils at school should prepare a safety strategy for the protection of the school population against violence, together with an action plan for implementing and monitoring the effectiveness of safety measures appropriate to the particular school ([para 10.19](#)).

26. It is desirable that the guidance provided by the Education Service Advisory Committee in regard to violence to staff in the education sector should be extended to encompass the safety and protection of the school population as a whole ([para 10.26](#)).

### **The vetting and supervision of adults working with children and young people**

27. There should be a system for the accreditation to a national body of clubs and groups voluntarily attended by children and young persons under 16 years of age for their recreation, education or development, the main purpose of which would be to ensure that there are adequate checks on the suitability of the leaders and workers who have substantial unsupervised access to them ([paras 11.21 and 11.29-11.39](#)).

28. Consideration should be given to the development of a Scottish Vocational Qualification in respect of work with children, including the organisation of clubs

and child development and protection ([para 11.47](#)).

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Prepared 16 October 1996

## Appendix 1

# List of the parties and their representatives

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*The Lord Advocate, the Right Honourable the Lord Mackay of Drumadoon*

The Lord Advocate; Iain Bonomy, QC; Jonathan Lake, Advocate

*The families of the deceased children, the injured children, those absent from class on 13 March 1996, Mrs Eileen Harrild and Mrs Mary Blake*

C M Campbell, QC; Laura J Dunlop, Advocate; Levy &McRae, Solicitors, Glasgow

*The family of Mrs Gwen Mayor and 29 members of the teaching staff of Dunblane Primary School (23 being members of the Educational Institute of Scotland; 6 being members of the Professional Teachers Association)*

Andrew T F Gibb, Solicitor, Balfour &Manson, Edinburgh

*Stirling Council*

M S Jones, QC; Simpson &Marwick, WS, Edinburgh

*Central Scotland Police*

James A Taylor, Solicitor Advocate, McGrigor Donald, Glasgow

*#Mr Ronald G Taylor, Head Teacher, Dunblane Primary School*

Martin S Stephen, Solicitor, Wright, Johnston &Mackenzie, Glasgow

*\*Lothian and Borders Police and the Scottish Police Federation*

A R Hardie, QC, Dean of the Faculty of Advocates; Hughes Dowdall, Solicitors, Glasgow

Notes:

The symbol # denotes that representation was only in relation to the events of

13 March 1996.

The symbol \* denotes that representation was permitted as and when the Tribunal deemed it to be appropriate.

In addition the following were permitted to make oral closing submissions:-

C N McEachran, QCon behalf of The Scottish Target Shooting Federation

T B Cruickshank, Solicitor, George Mathers & Co, Aberdeen on behalf of Stirling Rifle and Pistol Club, Callander Rifle and Pistol Club and their office- bearers and members.

M Scoggins, Solicitor, Davies Arnold Cooper, London on behalf of the British Shooting Sports Council; together with the British Association for Shooting and Conservation, British Field Sports Society, Clay Pigeon Shooting Association, Gun Trade Association, Muzzle Loaders Association of Great Britain, National Pistol Association, National Rifle Association, National Small-Bore Rifle Association, The Shooting Sports Trust and United Kingdom Practical Shooting Association.

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## Appendix 2

### List of witnesses

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Adamson	John	Former Chief Superintendent
Aland	Margaret	Social Worker, formerly of Central Regional Council
Allan	Robert	Retired Chief Superintendent
*Allston	Roger P C	Acquaintance of Thomas Hamilton
*Anderson	Anne	Police Constable
Anderson	Derek	Police Constable, Lothian and Borders Police
Anderson	Ewen	Former Dunblane Boys Club Committee Member
Anderson	George	Telephone Engineer
Anderson	John	Detective Chief Inspector
Anderson	Katherine	Former Dunblane Boys Club Committee Member
*Anonymous		Former Boys Club Member
*Anonymous		Parent of Boys Club Member
*Anonymous		Parent of Boys Club Member
*Anonymous		Former Boys Club Member
Awlson	Agnes R	Assistant Head Teacher, Dunblane Primary School
Baird	John	Consultant Forensic Psychiatrist
Ball	Robert	Former Central Regional Councillor
Barker	Thomas	Deputy Director, Junior Police Training, Scottish Police College, Tulliallan
Baxter	George	Head of Centre, Woodmill High School, Dunfermline
Baxter	Michael	Forensic Scientist
Beattie	Dr Jack	Consultant Paediatrician
Bell	Lesley	Former Police Constable
Bell	Nigel K	Gun Club Member
Bennett	Graham	Deputy Chief Constable, Fife Constabulary
Binning	Iain	Police Inspector
*Blake	Mary	Schools Supervisory Assistant, Dunblane Primary School
Boal	Ian	Former Boys Club Assistant

Brown	John	Police Constable
Busuttil	Prof Anthony	Forensic Pathologist
Butterwick	Margaret	Journalist
Cameron	Roy	Chief Constable, Dumfries & Galloway Constabulary
Campbell	Robert O	JP
Campbell	William P	Competition Secretary, Stirling Rifle & Pistol Club
Capes	Graham	Acting Detective Constable
Cardle	James	Retired Procurator Fiscal, Dumbarton
Carrol	Paul	Police Constable, Lothian and Borders Police
Carruthers	Bruce	Former Boys Club Member
Carson	Archibald	Police Sergeant, Lothian and Borders Police
Carter	Patricia	Head Teacher, Bannockburn Primary School
Cassidy	Allan	Retired Police Inspector
Chisholm	Malcolm R	Scenes of Crime/Ballistics Officer, Tayside Police Force
Cobb	David	Former Depute Director of Admin and Legal Services, Central Regional Council
Cole	William	Shooting Club Member
Collie	Ian	Former Director of Education, Central Regional Council
Connell	Steven	Police Constable
Cooke	Prof David J	Clinical Psychologist
Cowan	Donald	Police Sergeant
Crawford	Gordon S	Secretary, Stirling Rifle and Pistol Club
Cullen	Francis	Former Shop Assistant
Dalgleish	Alexander W	Firearms Dealer and Gunsmith
Davies	Hugh D	Former President, Association of Police Surgeons
Deuchars	Robert C H	Former Scout District Commissioner
Dewar	Scott T	Police Computer Service Manager
Dickson	Allan	Area Community Education Officer, formerly of Strathclyde Regional Council
Drummond	William	Police Constable
Fairgrieve	Brian D	Former Scout County Commissioner
Fernie	Sandra L	Administration Assistant, Scout H.Q.
Fisher	Austin	Police Sergeant

Forsyth	Rt Hon Michael	Member of Parliament for Stirling
Gall	Charles	Journalist
Gallagher	William	Former Depute Procurator Fiscal, Stirling
Gardiner	James	Former Youth and Community Officer, Central Regional Council
Gillespie	James H	Acquaintance of Thomas Hamilton
Gillies	Karen J	Van Hire Receptionist
Goldie	Edward	Police Constable
Gordon	Frank A	Shop Owner
Gould	David J	Army Officer
Gouther	Robert	ScotRail Employee
Gunn	George	Police Constable
Hagger	Doreen	Mother of Boys Club Member
Haire	Leslie C G	Ambulance Technician
*Hamilton	Douglas	Detective Constable
*Hamilton	James	Adoptive father of Thomas Hamilton
Hanley	Dr Robert I	Thomas Hamilton's General Practitioner
Harrild	Eileen	Teacher
Holden	Joseph	Police Superintendent
Houston	William	Staff Development/Training Officer Stirling Council
Hughes	Paul	Chief Inspector
Hyde	Gary	Firearms Shop Manager
Isles	Ronald	Detective Constable
Jackson	Joseph	Retired Detective Superintendent, Strathclyde Police
Jeffrey	Allan A	Librarian
Jeffrey	Douglas	Senior Youth Education Worker, formerly of Lothian Regional Council
Jeyes	Gordon	Director of Education, Stirling Council
Johnston	Maureen	Firearms Certificate Disposal Officer, Central Scotland Police
Jones	David P	Parent of Boys Club Member
Keenan	Ann	Former Police Officer
Keenan	James	Police Superintendent
Kelly	Alistair	Former Reporter to Children's Panel, Fife Regional Council

Kindness	James	Retired Detective Sergeant
Kirkpatrick	Fiona	Police Constable
Lawless	Andrew	Detective Sergeant
Lister	James	Police Constable, Strathclyde Police
Loudon	Colin	Former Boys Club Member
Lynch	Douglas	Police Sergeant, Lothian and Borders Police
Lynch	Norman	Police Firearms Examiner, Central Scotland Police
McArthur	Duncan	Retired Police Officer, Lothian and Borders Police
McBain	Ian	Detective Inspector, Strathclyde Police
McCarthy	Terry	Hon Secretary, Scottish Pistol Association
McDiarmid	Ian	Police Photographer/Fingerprint Officer
MacDonald	David	Former Boys Club Member
McDonald	Garry	Former Boys Club Member
MacDonald	William J	Retired Police Officer
McFarlane	William	Former Police Constable
McGrane	Edward	Police Sergeant, Lothian and Borders Police
McGregor	Duncan G	Assistant Safety Officer formerly of Central Regional Council
Mack	Thomas A	Former Scout Leader
MacKenzie	Alastair	Police Constable, Lothian and Borders Police
MacKenzie	Ian	Former Superintendent
McLean	Kenneth	Police Sergeant
McMillan	Robert	Police Sergeant, Lothian and Borders Police
McMurdo	Douglas	Former Deputy Chief Constable
McNally	Sandra	Parent of Boys Club Member
Marshall	James	Chief Inspector
Martin	Isobel	Primary School Head Teacher
Matchett	George	Chief Superintendent
Mather	Colin	Chief Inspector
Mercer	Ronald	Community Centre Caretaker
Mill	Michael	Retired Police Officer
Millar	John	Retired Detective Superintendent
Mitchell	Charles	Detective Constable
Moffat	Allan	Detective Sergeant
Moffat	James	Chief Superintendent

Moffat	John	Gun Club Member
Moir	Robert	Acting Inspector
Morris	Arthur	Chairman, Scottish Council of B.M.A.
Morton	Heather	Neighbour of Thomas Hamilton
Neil	Janet	Sports Shop Manageress
Nimmo	Eileen	Retired Inspector
Nolan	David	Detective Sergeant
Ogg	John	Detective Chief Superintendent
Ogilvie	Grace J	Neighbour of Thomas Hamilton
Ovenstone	Susan	Journalist
Paterson	Hugh	Retired Police Officer
Paton	Alastair	Firearms Expert, Retired Inspector, Strathclyde Police
Pearson	Robert	Police Constable
Penman	Derek R	Detective Sergeant
Penn	David J	Chairman, Technical and Research Committee, British Shooting Sports Council
Perry	John	Former Assistant Director of Education, Lothian Regional Council
Pill	Brian W	Health and Safety Adviser, Stirling Council
Plain	David	Detective Constable
Ralph	Douglas	Police Inspector
Rattray	Lance	Retired Chief Superintendent
Reid	Raymond	Secretary, Callander Rifle and Pistol Club
Reilly	Janet	Acquaintance of Doreen Hagger
Renton	Janice	Deputy Commissioner for Local Administration
Rice	John W	Police Constable, Lothian and Borders Police
Richardson	James	Deputy Chief Constable, Strathclyde Police
Robertson	Alexander	Detective Chief Inspector
Robertson	George I McN	Parent of Boys Club Member
Ross	Callum	Police Constable, Lothian and Borders Police
Ross-Watt	Ranald	Parent of Boys Club Member
Roy	Malcolm	Police Sergeant, formerly Criminal Intelligence Officer
*Shaw	James R	Former Boys Club Member
Shelmerdine	David J C	Chief Executive, Scottish Scout Council

Smith	George	President, Stirling Rifle and Pistol Club
Smith	Michael F	Consultant Neurologist
Smith	Paul R	Former Boys Club Assistant
Somerville	David	Former Assistant Director of Education, Fife Regional Council
Speirs	Robert	Sports Shop Manager
Staden	George	Director of London Armoury Co Ltd
Sutherland	Sheila	Friend of Agnes Watt
Tavadia	Dr Hosie	Consultant Pathologist
Taylor	Gordon	Detective Sergeant
Taylor	Ronald G	Head Teacher, Dunblane Primary School
Thomson	William	Former Boys Club Assistant
Togneri	Robert J	Retired School Teacher
Ure	Robert M	Neighbour of Thomas Hamilton
Valentine	George	Head Teacher, St Francis Primary School, Falkirk
*Vannet	Alfred D	Regional Procurator Fiscal, Grampian Highland & Islands
Vass	John D R	Former Scout District Commissioner
Watt	Agnes G	Natural Mother of Thomas Hamilton
Watt	Elizabeth	Former Member of Parent Teachers Association, Alva Primary School
Williams	James	Parent of Boys Club Member
Wilson	John S B	Retired Police Officer
Wisdom	William S	Retired Chief Inspector
Wood	Jeffrey C	Gun Club Member
Woolhead	Donald P	Police Sergeant

*Note:* The symbol \* denotes that all or part of the evidence of these witnesses was read to the Tribunal.

All police officers are or were members of Central Scotland Police unless otherwise stated.

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## Appendix 3

# Discussion relating to decisions taken by Procurators Fiscal

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On 24 June 1996 (day 19) Mr Bonomy on behalf of the Lord Advocate made a statement of the Lord Advocate's position in relation to that evidence and to the question of enquiring into decisions taken by Procurators Fiscal. The statement was in the following terms:

It is a fundamental principle that prosecution decisions are taken independently of Government and that prosecutors, who act in a quasi-judicial capacity, are accountable for their decisions only to the Lord Advocate. The principle applies throughout the United Kingdom. It is recognised in the establishment of the Parliamentary Commissioner for Administration, or Ombudsman, and of House of Commons Select Committees.

Accordingly, the prosecuting departments and matters relating to the commencement or conduct of criminal proceedings are not subject to investigation by the Parliamentary Commissioner for Administration, in terms of Sections 4 and 5 and Schedules 2 and 3, Paragraph 6 to the Parliamentary Commissioner Act, 1967.

Similarly, the scrutiny of the Lord Advocate's Departments by the Select Committee of the House of Commons on Scottish Affairs specifically excludes "consideration of individual cases", in terms of a House of Commons Standing Order.

The rationale for the principle is the importance of finality and fairness to a potential accused, to victims and to witnesses.

The principle was clearly stated by Lord Justice General Clyde in *McBain v. Crichton* 1961 JC 25, 29: "The basic principle of our system of criminal administration in Scotland is to submit the question of whether there is to be a public prosecution to the impartial and skilled investigation of the Lord Advocate and his department, and the decision whether or not to prosecute is exclusively within his discretion". His Lordship went on "It is utterly

inconsistent with such a system that the Courts should examine, as it was suggested that it would be proper or competent for us to do, the reasons which have affected the Lord Advocate in deciding how to exercise his discretion, and it would be still more absurd for this Court to proceed to review that soundness".

The principle does not prevent an examination of the conduct of prosecutors. In the "Meehan" Inquiry Lord Hunter was able to examine the actions of prosecutors, although his remit excluded both firstly "the guilt or innocence of Mr. Patrick Meehan or Mr. Ian Waddell of the charges contained in the respective indictments against them", and secondly "the reasons for and justification of any decision taken by the Lord Advocate whether or not to institute, or concur in, any criminal proceedings".

Equally, the Report of the Inquiry into an Allegation of a Conspiracy to Pervert the Course of Justice in Scotland by Messrs. W.A. Nimmo Smith, Q.C., and J.D. Friel made it clear that, although they had been instructed to investigate whether decisions were taken by prosecutors for improper reasons, "there can be no question of our reporting on prosecution decisions in such a way as would facilitate public debate about their correctness".

The principle was reflected in the establishment and operation of the Waters Tribunal of Inquiry, the last Tribunal of Inquiry to be held in Scotland, in 1959. In that case there was a motion before the House of Commons that a Select Committee should inquire into the case of John Waters and advise, *inter alia*, in what circumstances it was decided that no prosecution should be instituted. The Government of the day brought forward a motion for appointment of a Tribunal of Inquiry into, *inter alia*, the action taken by Caithness Police. In explaining why it was inappropriate to examine the decisions of the prosecutor, the then Prime Minister, Mr. Harold McMillan, stated:

"It is an established principle of Government in this country, and a tradition long supported by all political parties, that the decision as to whether any citizen should be prosecuted, or whether any prosecution should be discontinued, should be a matter where a public as opposed to a private prosecution is concerned, for the prosecuting authorities to decide on the merits of the case without political or other pressure.

"It would be a most dangerous deviation from this sound principle if

a prosecution were to be instituted or abandoned as a result of political pressure or popular clamour. In this case, my Right Hon and Learned Friend the Lord Advocate decided, after considering the evidence before him, that criminal proceedings would not be justified.

"In reaching his decisions the Lord Advocate's duty in Scotland, like the Attorney-General's in England, is to act in a quasi-judicial capacity, whether the person involved is a public functionary or a private citizen". That is a quotation from Hansard. (HC Deb, 16 February 1959, col 31.)

Finally, in the North Wales Child Abuse Inquiry, which was announced in Parliament on 17th June, 1996, the terms of reference, which are very specific, include examination of "the response of the relevant authorities and agencies to allegations and complaints of abuse made either by children in care, children formerly in care or any other persons, excluding scrutiny of decisions whether to prosecute named individuals". That is a quotation from the Hansard report of the debate. HC Deb, 17 June 1996, col 522.)

Although the considerations underlying the principle against subjecting to critical scrutiny prosecution decisions apply most obviously to the interests of potential accused persons, they also affect victims and witnesses. Prosecutors are required to make judgements on their credibility and on the weight to attach to individual pieces of their evidence. Prosecutors are also entitled to take account of other information placed before them, which may be confidential. There are also related considerations applying to the integrity of the decision-making process itself. If decisions on criminal cases are not taken privately, without the pressure of public scrutiny and on the basis of an independent assessment of the quality of evidence and credibility of witnesses, prosecutors could be inhibited from taking difficult decisions, which they must take in the exercise of an independent discretion.

The Lord Advocate has considered the exceptional circumstances of this case, including the death of Thomas Hamilton, who was the principal subject of reports to the Procurators Fiscal. He has also borne in mind the fact that other persons named in these reports, as suspects, victims and witnesses, are still alive.

In the exceptional circumstances which apply, the Lord Advocate has concluded that it is entirely appropriate that evidence should be put before the Inquiry as to the investigation of the individual cases and that it was appropriate that the actual police reports - which would normally be wholly confidential to the Crown - should be made available to the Tribunal. He has also concluded that it is appropriate that the Tribunal should have a detailed account of the inquiries made by the relevant Procurators Fiscal.

He has considered that, in the exceptional circumstances of this case, it is also appropriate that the reasons for the decisions taken by Procurators Fiscal should be placed before the Tribunal, so that it is as fully informed as possible as to the facts surrounding Hamilton.

After Lord Cullen had been appointed to conduct the Inquiry, the Lord Advocate arranged for an independent senior member of the Procurator Fiscal Service - Mr. Alfred Vannet, the Regional Procurator Fiscal for Grampian, Highlands and Islands - to examine all the relevant case papers and to interview the members of the Procurator Fiscal Service who were responsible for taking decisions in the cases. Mr. Vannet has never worked in the Procurators Fiscal's Offices at Dumbarton and Stirling. Mr. Vannet had no prior involvement in any of the cases. He has produced a full review, which he has completed under the direction of Crown Counsel, setting out in detail the history of the dealings of members of the Procurator Fiscal Service with these cases and including the reasons for the decisions which were taken.

The Lord Advocate considers that presentation of this report to the Tribunal should enable the Tribunal to have a full account of the history of these cases and the reasons why decisions were taken.

The Lord Advocate trusts that Mr. Vannet's account will be sufficiently complete for the Tribunal's purposes. If the Tribunal so wishes, the individual members or former members of the Procurators Fiscal Service who dealt with enquiries concerning Hamilton are available as witnesses as to the facts set out in Mr. Vannet's review. It would, however, be incompatible with principle and the practice to which detailed reference has been made for the Tribunal to subject the soundness of the decisions made in relation to Hamilton to detailed examination in evidence or submissions at the Inquiry. For that reason the Lord Advocate's position is that evidence should not extend, so far as decisions are concerned, beyond

informing the Tribunal what decisions were taken and what the stated reasons for these decisions were.

The Lord Advocate trusts that the Tribunal and parties appearing before it will understand and respect the position which he has adopted in the exceptional circumstances to enable the Inquiry to have a detailed account of the involvement of members of the Procurators Fiscal Service with Thomas Hamilton.

I gave the parties the opportunity to consider this statement along with Mr Vannet's report before hearing any submissions from them. On 25 June (day 20) I heard submissions from Mr Campbell and Mr Bonomy.

Mr Campbell accepted that in the exercise of his quasi-judicial role as public prosecutor the Lord Advocate should not be subject to political pressure. However, he was accountable to Parliament where his acts and omissions were open to scrutiny and comment. The rule that his decision-making should not be subject to outside pressure did not apply where a prosecution was not pending or underway. Mr Campbell pointed out that in regard to prosecutions the Lord Advocate and Procurators Fiscal enjoyed certain immunities (*Hester v MacDonald* 1961 SC 370; and Sec 170 of the Criminal Procedure (Scotland) Act 1995).

Mr Campbell's submission was that there should be no inhibition either in his submissions or in the Tribunal's report in regard to any criticism of the decisions taken by the Procurators Fiscal. As regards calling them as witnesses he was neutral and left this to the Tribunal to decide. In the present case the Crown had led evidence of fact which raised questions as to the soundness of the decisions. While he was not able to assert that there was no good justification for them there was no logic in denial of an opportunity to consider the merits of those decisions.

Cases which had been concerned with the question whether the High Court of Justiciary should exceptionally authorise a private prosecution did not demonstrate that the Lord Advocate could not be called upon to explain the reasons for the decisions taken on his behalf or that the merits of those decisions could not be scrutinised. In *J & P Coats Ltd v Brown* 1909 SC(J) 29 the Court embarked on a consideration of the merits of the case or at least the merits of whether or not there should be a prosecution. A distinction was drawn between matters of law and the review or re-examination of evidence. There would be very few cases in which the exercise of discretion would be interfered with. The passages in the opinion of Lord Justice - General Clyde in *McBain v Crichton* on which the Lord Advocate had founded were *obiter* in view of the fact that the complainer failed to show that he had a sufficient interest in the alleged wrong to sustain a prosecution. In any event

they did not entail that there could be no comment on the decision itself. Any question of unfairness was outweighed by the public interest. In *Meehan v Inglis* 1975 JC 9 the distinction was again drawn between the application of judgement to all sources of evidence and questions of law or relevancy.

These cases did not deal with comment on past events. In any event they demonstrated a reluctance to embark on an examination of the decision-making process as opposed to an examination of the decision itself.

Mr Bonomy submitted that there was no justification for, on the one hand, refraining from interfering with a decision of the Procurators Fiscal while, on the other hand, engaging in a critical examination of that decision. The result of infringing the principle that the decision should not be open to review would be that every decision would be made under the threat that a decision-maker would be called upon to account.

The Court had observed a clear distinction between the question whether authority should be granted to bring a private prosecution and an investigation of the public prosecutor's decision and what lay behind it. The principle set out in *McBain v Crichton* applied also in the present case. According to that principle the Court refused to examine the reasons given by the Lord Advocate for the decision in question. However, if there were no reasons or if the stated reasons did not *ex facie* justify the decision, the Court was not prevented from making its own judgement in regard to the law and the relevancy of any charge (see *Meehan v Inglis* at page 14). There was no question of the Court ever stating that the Lord Advocate had erred in some way in the exercise of his discretion.

Mr Bonomy accepted that the relevancy of a charge was an area in which the Tribunal could properly be invited to make a decision, assuming there was sufficient available evidence on which to do so. It was one thing to say that a relevant charge could have been brought. It was another thing to submit that a charge should have been brought.

In the exceptional circumstances of the present case the Lord Advocate had presented material which was normally confidential. It was open to the Tribunal to assess what the substance of the available evidence amounted to, as opposed to reviewing the decisions which had been taken.

After the conclusion of these submissions I gave my decision in the following terms:

Can I say first of all that I am most grateful to counsel for their very

clear submissions to me in regard to the problem which has arisen at this comparatively late stage in the Inquiry.

In considering the dispute which arises today, it seems to me that in the background there are two main considerations. The first is the consideration that in exercising his independent quasi-judicial role the Lord Advocate should not be subject to pressure or influence from outside sources. The *locus classicus* for that rule can be found in the speech of the Prime Minister, Harold Macmillan, in the passage to which I was referred.

Mr. Campbell has submitted to me, however, that this is not a case in which that arises, because we are not considering here a case in which a decision has not yet been taken or a case in which a decision is still open to re-consideration, nor are we dealing with pending proceedings.

The second consideration which seems to arise is the question of confidentiality. It is I think well settled that information which becomes available to the prosecutor in the course of the performance of his work is and should remain normally confidential to him. That is referred to in the statement made by the Lord Advocate at the foot of page three, where he says "Prosecutors are required to make judgements on their credibility and on the weight to attach to individual pieces of their evidence. Prosecutors are also entitled to take account of other information placed before them, which may be confidential", and so on.

Now, in this particular case Mr. Campbell did not seek to have the inward thinking of the prosecutors explored in this case, no doubt for perfectly good reasons. His submission was that he should be entitled to make comment on the decisions not to prosecute or in the case of one of the Procurators Fiscal the decision not to grant a warrant.

Now, Mr. Campbell drew my attention to a number of cases dealing with those very special circumstances in which the Supreme Court has decided whether or not to allow a private prosecution to proceed; and he pointed out that in these cases the Court was able to reach its own view as to whether prosecutions should take place, in order to secure that justice was carried out. By implication I think he was suggesting that this was a comment on the Lord Advocate's decision to decline to prosecute. On the other hand, Mr. Bonomy has pointed

out that in cases of that sort, while it was expected that the Lord Advocate should explain his reasons, he was not required to do so, and he pointed out that there was no question in these cases of the Court seeking to usurp the position of a prosecutor by reviewing his decision. He accepted on the other hand that it would be open to the Court, and certainly open in this case, to consider what could be done on the basis of the material available. So in this case he accepted as I understood him that it would be open to this Inquiry to entertain submissions as to whether there was material on which a relevant charge could have been brought.

Now , it is plain that the material which is available to the Procurators Fiscal covers a considerable wide range, from, at the one end, matters of law, matters of available evidence, to, at the other end, various considerations where his discretion has wide room for play.

I am satisfied that it would not on the one hand be proper for this Inquiry to require the prosecutors to justify their decisions, or to entertain submissions as to the sufficiency of what was put forward in justification of those decisions. On the other hand, I see no good reason why this Inquiry should not entertain submissions based on the available evidence. I am not going at this stage to draw any hard and fast line as to what can and cannot be submitted on the basis of the available evidence. It would certainly include, on the basis of possible sufficiency, whether a relevant charge could have been granted or whether some other decision in the circumstances could have been taken. That is as far as I go. I merely illustrate what might be the subject of submissions.

I consider that in this case, as in any other case, where a submission can properly be made on the available evidence, there is no reason whatever why that should not be made. This is after all a free country. For that reason, therefore, I would not wish to inhibit submissions. But of course it has to be clearly understood that these submissions must be based on the available evidence and do not enter into a review in one form or another of the decisions reached by the prosecutors.

Turning to the invitation the Lord Advocate extended in his note, as far as I am concerned I am content that this Inquiry should not require the soundness of the decisions to be subject to detailed examination in submissions, but I do wish to hear submissions based on the available evidence insofar as submissions can properly be

made on the basis of that evidence. Whether that can be described as a matter of fact, as Mr. Bonomy said, or whether it is not a matter of fact is of no consequence to me. I wish to hear what can properly be submitted on the evidence available.

That brings me to another matter. It is of course in a case of this sort for the Lord Advocate to decide to what extent he should adhere to any rule or principle against the disclosure of information available to or information about the prosecution system. That is a decision over which I have no right of control. In the present case, I note that the Lord Advocate's position is that it is appropriate that evidence should be available as to the information provided to and the inquiries made by the Procurators Fiscal and the decisions taken by the Procurators Fiscal and the stated reasons for these decisions.

I have seen Mr Vannet's report, and with his usual thoroughness he has set out a considerable amount of detail as to these matters, and I am certain that that report will be of significant assistance to this Inquiry. At the same time, in his note which Mr Bonomy read yesterday the Lord Advocate has given me an opportunity to invite individual members of the Procurator Fiscal Service who were concerned with these events in Mr Vannet's report. I consider that in general it is not necessary, but I consider it would be desirable to have evidence from two members of this service who are apparently able to give evidence in regard to certain matters which have already been explored at this Inquiry. These two persons are Mr Cardle - I am thinking in particular of his evidence in regard to a report which Mr Vannet refers to as report 1A - and secondly Mr Gallagher, as to the communications between him and Detective Constable Taylor in regard to report No 4.

I hope this is sufficient to enable the Crown to identify the matters about which I am interested, but I leave it entirely to Mr Bonomy to decide what further evidence in fact might usefully be taken from those two witnesses when they enter the witness box.

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## Appendix 4

# List of submissions

<i>Source</i>	<i>Firearms</i>	<i>School Security</i>	<i>Vetting of Adults</i>
Action of Churches Together in Scotland	*		
Advertising Standards Authority, The	*		
All Wales Play Forum	*		
Assoc of Chief Police Officers of England & Wales	*	*	*
Assoc of Chief Police Officers of Scotland	*		
Assoc of Christian Teachers Scotland	*		
Assoc of Deer Management Groups, The			*
Assoc of Directors of Education	*	*	
Assoc of Directors of Social Work	*	*	
Assoc of Head Teachers	*		
Assoc of Police Surgeons, The	*		
Banking Insurance & Finance Union	*		
BMA-General Medical Services Committee	*	*	
Boys Brigade, The	*		
British Association of Social Workers	*	*	
British Deer Society, The	*		
British Medical Assoc	*		

British Shooting Sports Council	*		
C.E.M. Firearms Ltd	*		
Callander Rifle and Pistol Club	*		
Calouste Gulbenkian Foundation	*	*	
Cheltenham & Gloucester College of Higher Education-Prof C Brackenridge	*		
Chief Constables' Management Committee-Regional Crime Squad (North East)	*		
Children 1st-Royal Society for Prevention of Cruelty to Children, The	*		
Children In Scotland	*		
Children's Law Centre (Northern Ireland) Interim Steering Group	*		*
Church of Scotland, The (Board of Social Responsibility)	*		*
City Of Glasgow Council	*		
Convention Of Scottish Local Authorities	*	*	*
CSV Education	*		
Discovery Camps Trust	*		
Dunblane Snowdrop Petition	*		
Educational Institute of Scotland, The	*	*	*
Firearms Consultative Committee, The	*		
Franks, Keith	*	*	
†Gabor, Professor Thomas	*		
Galbraith, Sam, MP	*		

General Assembly of the Church of Scotland-Committee on Church and Nation	*	
Greater Gwent Authority	*	
Greenwood, Colin	*	
Hammond, John	*	*
Hicks, P F	*	
Independence Institute	*	
International Shooting Sportspersons Liaison Committee	*	
Inverness Royal Academy School Board	*	
IPA Scotland-International Assoc for Child's Right to Play	*	*
Irvine Royal Academy-School Board and Parent & Staff Assoc	*	
Jackson, P H	*	
Joint Child Protection Committee Clackmannan, Falkirk, Stirling	*	*
Kendrick, Steven William	*	
Kilwinning Academy	*	
Kilwinning Academy School Board	*	
Kingston Upon Thames Police & Community Consultative Group	*	
Labour Party, The	*	*
Law Society of Scotland	*	
Lawson, Dr Richard	*	
League Against Cruel Sports	*	
Lewis, Terry, MP (Worsley)	*	

Liberal Democratic Party, The	*		
Libertarian Alliance	*		
Long Preston Parish Council	*		
McLeod, Elizabeth	*		
Moffat Academy School Board	*	*	*
Morecambe Rifle & Pistol Club	*		
Mosside & Hulme Community Forum	*		
Munday, Richard	*		
Nairn River Community Council	*	*	
NASUWT	*		
National Assoc of Head Teachers	*		
National Association of Re-Enactment Societies	*		
National Farmers Union-Country Landowners Assoc, Scottish Landowners Federation	*		
National Foster Care Association	*	*	
National Rifle & Pistol Assoc of Ireland	*		
National Steering Group on Services for Children Under 8	*		
National Viewers & Listeners Association	*		
NCH Action For Children	*	*	
North Ayrshire Council School Security Group	*		
North East Risk Management Group	*		
Office of Legislative Affairs	*		
Oliver, Dr Ian, QPM	*		

Penicuik Labour Party	*	*	*
Play Wales	*		
Police Federation of England and Wales	*		
Preparatory Schools Rifle Association	*		
Principal Community Education Officers Group (Scotland)	*		
Professional Assoc of Teachers	*	*	
Ramsay, Alastair	*		
Religious Society of Friends in Britain (Quakers)	*		
Religious Society of Friends in Britain (Quakers)-Meeting for Sufferings	*		
Right Reverend Vincent Logan, Bishop of Dunkeld	*		
Romsey Publishing Company Limited	*		
Royal British Legion Scotland, The	*		
Royal College of Psychiatrists, The	*		
SAGE-Society Against Guns in Europe	*		
Save The Children Fund, The Powys Project	*		
Scottish Congregational Church	*		
Scottish Further and Higher Education Assoc	*		
Scottish National Party	*	*	*
Scottish Parent Teacher Council	*	*	*
Scottish Secondary Teachers Assoc	*	*	*
Scottish Sports Council	*		

Scottish Standing Council of Voluntary Youth Organisations	*		
Scottish Target Shooting Federation	*		
Shooters' Rights Assoc-Scottish Committee	*		
Shooters' Rights Assoc, The	*	*	*
Slough Borough Council	*		
Society of Friends (Quakers)	*		
Sporting Shooters Association of Australia Inc	*		
Stepping Stones in Scotland	*		
Stevenson, Mr Jan A	*		
Stirling Rifle and Pistol Club	*		
Summerfield, John	*		
Sussex Police Authority	*		
Suzy Lamplugh Trust, The	*		
Tayside Voluntary Organisations - Child Protection Group "All Our Children"	*		
UNISON Scotland	*	*	*
Volunteer Development Scotland	*		
Wandsworth Council-Crime Prevention & Public Safety Sub-Committee	*		
Watt, David	*		
Watt, Mr & Mrs Fergus	*	*	
West Wales Federation of Parent Teacher Assocs	*	*	
†Wilson, William, QPM, Chief Constable Central Scotland Police	*	*	*

Yardley, Michael

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†Submissions tendered by the legal representatives of the families or the deceased children, the injured children, those absent from class on 13 March 1996, Mrs Eileen Harrild and Mrs Mary Blake.

‡Submission tendered by the legal representatives of Central Scotland Police.

In addition to the above, Family Care provided a submission in regard to the importance of information about a person's family origins. Source Fire- School Vetting Arms Security of Adults

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## **Appendix 5**

# **Publications taken into consideration**

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### **CONTROL OF FIREARMS**

Home Office leaflets on:

- a. Firearm Security (1992)
- b. Firearms: Approval of Rifle and Pistol Clubs (1995 FA4-95)

Firearms Act 1968:

- a. Proposals for Reform (December 1987 Cm 261)
- b. Report of the Working Party on the Administration of the Act (April 1984)

First, Second, Third, Fourth, Fifth, Sixth and Seventh Annual Reports of the Firearms Consultative Committee (1990-96)

Report of the Working Group on the Administration of the Firearms Licensing System (Home Office November 1991)

Report of the Firearms Rules Working Group (March 1994)

Report of the Working Group on the Criteria for Home Office and Scottish Office Approval of Rifle and Pistol Clubs (March 1995)

ACPO Crime Committee Working Group on the Administration of Firearms: Firearms Administration: An Executive Summary (1991)

The Council of the European Communities; Council Directive of 18 June 1991 on control of the acquisition and possession of weapons.

(91/477/EEC-OJ No L 256 13 September 1991 p.51)

Coopers & Lybrand Deloitte and the Centre for Police and Criminal Justice Studies University of Exeter: Firearms Certification Study: A Report to The British

Association for Shooting and Conservation (January 1991):

- a. Executive Summary
- b. Appendices
- c. Report

HMIC Report on the Administration of the Firearms Licensing System (England and Wales) (1993)

Home Office Research and Planning Unit Papers:

- a. No 79: Approval of Rifle and Target Shooting Clubs: The effects of the New and Revised Criteria (1993)
- b. No 84: The Theft of Firearms (1994)

Home Office Management Advisory Service Reports:

- a. No 14 (1991/92): Feasibility Study to Establish the cost of a Firearms Control Board
- b. No 14 (1993/94): Review of The Firearms Control Board

The Scottish Home and Health Department Police Circulars:

- a. No 5 (1986)
- b. No 11 (1993)

Devon and Cornwall Constabulary: Multi-force Firearms Scrutiny

The Scottish Office Statistical Bulletin Criminal Justice Series:

- a. CrJ/1995/4 September 1995
- b. CrJ/1995/8 December 1995
- c. CrJ/1996/4 August 1996

Hungerford Shooting Incident:

- a. Report of Colin Smith, Chief Constable of Thames Valley Police 29 September 1987
- b. Written answer to Parliamentary Question no 419 of 27 July 1988, attaching a Summary of the Report and Recommendations of HM Inspector of Constabulary

## **SCHOOL SECURITY**

Department of Education and Science. Building Bulletin 67: Crime Prevention in Schools: Practical Guidance. (1987)

HSE: Preventing Violence to Staff. B Poyner and C Warne

The Tavistock Institute of Human Relations. (1988)

HSC Education Service Advisory Committee: Violence to Staff in the Education Sector. (1990)

HSC Education Service Advisory Committee: The Responsibilities of School Governors for Health and Safety. (1992)

HSC Education Service Advisory Committee: Safety Policies in the Education Sector. (1994)

HSC Education Service Advisory Committee: Managing Health and Safety in Schools. (1995)

HSE: Violence to Staff. (1995)

NAHAT: NHS Security Manual: Management Supplement (1995)

SHA: Managing Security in Schools and Colleges. K Cooper, formerly Assistant Chief Constable, and D Little, formerly Chief Superintendent of Northamptonshire. (1996)

DfEE Managing School Facilities Guide 4: Improving Security in Schools (1996)

## **VETTING AND SUPERVISION OF ADULTS**

The Scottish Office: Effective Intervention: Child Abuse (1989)

The Scottish Home and Health Department Police Circular No 4/1989: Disclosure of Criminal Convictions (1989)

Home Office, Department of Health and Welsh Office Circular: Protection of Children: Disclosure of Criminal Background to Voluntary Sector Organisations (1994)

**Volunteer Development Scotland: Protecting Children (1995)**

**The Scottish Office Social Work Services Group Circular No SWSG 4/96: Child Protection: Local Liaison Machinery - Child Protection Committees (1996)**

**The Scottish Office Social Works Services Group: Deregulation and Contracting Out Act 1994 - Supervised Activities and Holiday Play Schemes used by Children under 8: Consultation Document 1996**

**Home Office: Sentencing and Supervision of Sex Offenders: A Consultation Document(1996)**

**Home Office: On the Record: The Government's Proposals for Access to Criminal Records for Employment and Related Purposes in England and Wales (1996)**

**The Scottish Office: On the Record in Scotland: Proposals for Improved Access to Criminal Records (1996)**

**The Scottish Office: Crime and Punishment (1996)**

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## Appendix 6

# Target shooting competitions for handguns

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The Appendix to the first submission by The Scottish Target Shooting Federation provides information as to the variety of competitions in which handguns are used, with an explanation of the rules as to the types of handgun and ammunition, targets and shooting procedures. That Appendix may be referred to for further detail but in brief the competitions can be considered by reference to the following groups:

### A. UIT

These competitions are run under the rules of the Union Internationale du Tir (UIT) which regulates shooting events at the Olympic Games. It has also become the world governing body for a set of disciplines shot in continental championships, world cup series and the Commonwealth Games. The main types of events comprise:

- i. Free Pistol (.22 rimfire single shot only);
- ii. Rapid Fire (.22 short rimfire, five shot semi-automatic pistols only);
- iii. Centrefire (five shot semi-automatic pistols or revolvers within a certain range of calibres);
- iv. Standard Pistol (.22 rimfire, five shot semi-automatic pistols or revolvers); and
- v. Sport Pistol (.22 rimfire, five shot semi-automatic pistols or revolvers).

### B. Muzzle Loading

These events are run under the rules of the Muzzle Loading Association of Great Britain. They cater for antique firearms (or modern reproductions) of various types such as flintlock, percussion, single shots and revolvers. In general the firearms are of a type in use before the last quarter of the 19th Century. The events are held at levels up to international and world championship.

### C. Classics

These events are shot under the rules of the Historic Breechloading Smallarms Association and cater for firearms made before the end of the First World War or

those of identical type. The various classes of event are defined by reference to calibre, type (pistol or revolver) and the physical size of the firearm.

#### D. Long Range

These events are shot at distances of 100, 200 and 300 yards under the rules of the International Long Range Pistol Shooting Association. The various classes cater for pistols of differing types and calibres, ranging from blackpowder muzzle loaders through modern service and other pistols to specially built rifle-calibre firearms.

#### E. Police/Service

These events derive from police and army training procedures.

Police pistol 1 is shot at 25, 15 and 10 metre distances; and police pistol 2 at 50, 25 and 10 metres. These events were originally designed as revolver competitions. With changes in police firearms use policy they are now commonly shot with semi-automatic pistols. They are designed to test shooters' ability to shoot at various distances, in a variety of positions and under varying time constraints.

1,500 police pistol C is a more recent multi-stage development of police training procedures in the United States. It consists of five separate matches for revolvers shot at 50 metre down to 10 metre distances with a variety of shooting positions using either hand under time constraints.

The maximum number of shots in any one series within any of these competitions is 6.

Service pistol competitions call for the use of a 9 mm Browning semi-automatic pistol "as issued" in the British Army. Service pistol A is derived from the current army training course of fire. It consists of 40 shots in series of 10 with movement towards the target as part of the procedure at the commencement of each stage after the first. Service pistol B is derived from the former army training course of fire and consists of 30 shots fired in a series of 6. This competition is shot at levels up to international. To cater for shooters with other types of pistol the Open A and Unrestricted B classes have been developed.

#### F. Action

This is a group of competitions which do not fall easily into any of the above groups. It includes Practical Pistol which is for any pistol or revolver and is run under the rules of the United Kingdom Practical Shooting Association and

internationally under the rules of the International Practical Shooting Confederation. International competitions are at all levels up to continental and world championships.

The courses of fire vary from standard exercises to individual procedures developed for specific events. The emphasis in this branch of shooting is on accuracy, speed and power. Results are calculated from a factor of score on target allied with time taken. Scoring on anything except a central hit is at a reduced level if the ammunition used is of a lower standard than "major" power factor, established from a formula taking into account bullet weight and velocity.

Man vs Man consists of two competitors shooting falling targets simultaneously against the clock in a knock-out league. There are separate classes for revolvers and semi-automatic pistols.

The Bianchi Cup, which is for any centrefire pistol, comprises of four separate matches consisting of various types of target, shooting positions and distances all designed to test a shooter's ability to shoot with either and both hands under a range of conditions.

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