

THE AMERICAN CIVIL WAR SOCIETY LTD

CODE OF CONDUCT – FIREARMS & EXPLOSIVES

Introduction

This Code of Conduct has been prepared in order to provide ACWS Members with a concise summary of the law as it applies to battle re-enactment in Britain and, additionally, set out several important directives relating to safety. The Code covers the use of all types of muzzle loading muskets, firearms, ground charges and explosives used during the course of battle re-enactments and living history displays.

As a general rule, if you wish to acquire, possess or use any firearms you must first obtain the appropriate certificate from your local Police Force (usually via the Firearms and Explosives unit, normally located at Police Force Headquarters). ACWS uses gunpowder in cannon and muskets and some pyrotechnic effects at events, for authenticity reasons. If you are an infantryman or cavalryman firing a black powder discharging weapon or an artillery gun captain you must possess the following documents to comply with the Society Rules and Regulations and the Firearms Acts:-

- a) A current Shotgun Certificate and/or a Firearms Certification (as applicable)
- b) A current Gunpowder (Explosives) Licence where black powder is used
- c) A current ACWS membership card (as evidence that you are covered by the Society's Public Liability Insurances)

If you are firing a smooth bore weapon with a barrel length greater than 24" and a calibre or barrel dimension of under 2" across then this can be held on a Shotgun Licence. If the barrel is rifled, is less than 24" (e.g. authentic black powder percussion pistols) or over 2" bore then you need a Firearms Certificate (FAC). The owners of weapons have them recorded on their certificates but weapons held as shotguns can be lent to another certificate holder for a period of up to 72 hours without having to notify the relevant Police Force(s) Firearms Unit. Firearms can NEVER be lent out: if you have an FAC, only YOU can carry & use the weapon(s) on your licence.

Whilst in certain circumstances it might be possible to shoot on a farmers land with his permission for vermin clearance, or on game-bird shoots without these licences, these rules DO NOT apply to a re-enactor at an event, who must be properly licensed before firing. If you handle gunpowder under any pretext e.g. as an artillery man, or as an explosives officer or when dealing with pyrotechnics, you do require the appropriate explosives licence (gunpowder licence). Those entitled by virtue of their rank or re-enactment role can use blank firing pistols (usually 9mm blank cartridges), but these pistols must be compliant with current Firearms Legislation so that the barrel is blocked and the weapon is not capable of being illegally reconverted to a projectile firing weapon. Also, for drill practise or for unlicensed new recruits 'de-activated' muskets might be used, which will only fire a percussion cap on a solid nipple. ACWS only permits the use of authentic weapons (usually modern reproductions) of the ACW period 1861-1865.

Agings – No person under the age of 14 years is permitted to join ACWS and take part in any battle re-enactment. Persons of 14 and 15 years old are normally required to take a non-combatant role (runner, drummer/musician, flag carrier, medical role etc..) In exceptional circumstances a 14 or 15 year old person, who has passed their Trade Tests for their arm of service, is

duly licensed and is permitted by parent/guardian, unit commander and army commander CAN, IF they are mature and sensible enough and know what they are doing and are judged to be safe, be authorised by the Board of Directors of ACWS to go on the field as a soldier. Over 16 the normal rules apply, but persons under 18 years of age will require the consent of a parent or guardian to join ACWS.

Shotguns

- 1) With certain statutory exceptions, it is an offence for any person to have in his or her possession, or to purchase or acquire, a shotgun without holding a shotgun certificate, which must be signed in ink.
- 2) As a shotgun is defined as ‘a smooth bore gun having a barrel not less than 24” in length and not being an air gun’, it is an offence to shorten the barrel of the shotgun to a length less than 24”.
- 3) Currently shotgun certificates last for 5 years and are issued on application by the Chief Officer of Police for the area in which the applicant resides.
- 4) Whilst there is no restriction on the number of shotguns that can be held on one certificate, there are obvious practicalities regarding their safe storage. More and more Police Forces desire proper gun cabinets, double locked and bolted to a wall, rather than wall clamps. Security arrangements are at the reasonable discretion of the inspecting Firearms Liaison Officer, but do not be surprised if (particularly in metropolitan areas) one of the security requirements is a burglar alarm. When not in use or being transported, all shotguns and firearms must be kept secure under lock and key.
- 5) It is a condition of the issue of a shotgun certificate that the granting Police Force must be informed at once by the holder of the theft or loss of any shotgun in his/her possession, and any purchase/disposal and/or change of address must be reported without undue delay i.e. within 7 days, in writing.

Firearms

A firearms certificate is required for all smooth bore weapons where the internal barrel length is less than 24”. Cohern Mortars and certain types of short barrelled cannon / howitzers require the operative to possess an F.A.C. As for shotgun licences, a firearms certificate lasts for 5 years and lists all the weapons in the holders possession together with the conditions under which they may be kept and used. Therefore if you are a cavalry man, officer or gunner wanting to have an authentic black powder firing percussion pistol you will require an F.A.C.

You have to have a good reason to have either a shotgun certificate or/and a firearms certificate and it is accepted by Police Forces that being a historical re-enactor is a ‘good reason’. If that is the only reason for you to have firearms, do not be surprised if the Police put a condition on your licence such as:-

‘The XYZ muzzle loading percussion rifle to which this certificate relates shall be used solely firing black powder blank charges at re-enactment battles and events of the American Civil War Society/such other re-enactment societies as the certificate holder is a member or an invitee’. You can attempt to negotiate the terms of this restriction with your FLO, but do not be surprised at wording to the above effect being imposed.

When attending any event with your weaponry, always carry your shotgun/firearms certificate and explosives licence with you. If you do not produce it when asked to do so by a Police Of-

ficer, he may seize any firearms or ammunition in your possession, until satisfied that you are properly licensed. As we often re-enact in areas not covered by our own Police Forces licences, you have to have your licences with you to prove you are entitled to have them in your possession and to use them. When not in actual use, any firearm or ammunition which you are authorised to possess must be kept in a secure place, with a view to preventing access to them by unauthorised persons. Never leave your guns lying around where unauthorised members of the public can handle or steal them. Have the guns in your control and possession at all times, or stack arms and put a guard on them or chain them up out of sight under your bed or in the boot of your car, for example.

Appeals – If your Police Force refuse to grant, vary or renew a firearm or shotgun certificate in England and Wales you may appeal to the Crown Court. In Scotland you may appeal to the Sheriff Court. You will need to be represented by a Solicitor and a Barrister and it is very expensive. Always try negotiating with the Police first. They will usually be reasonable with you if you are reasonable with them. Whilst ACWS has to have Public Liability Insurance cover (Violent Crime Reduction Act 2006) and you as an ACWS Member are so covered for that risk only when at an authorised ACWS event, you are strongly advised, as an individual re-enactor, to take out your own insurance cover against risks ACWS does not cover e.g. theft of or damage to your personal property or regarding arguments with the Police. Such “shooters” cover is readily available from specialist insurance brokers, but those of you with Comprehensive vehicle & home cover may well find some elements already covered by your existing policies. If you are concerned, please take specialist insurance advice.

Gun Powder Licences

i.e. Explosives Licences are issued for the same period as your weapons licence i.e. 5 years under COER (Control of Explosives Regulations) and are currently free of charge (May 2013). ACWS inspects everybody’s licences annually (as things stand at the moment) to check that there has been no change in conditions or revocation of your licences. Without that checking, gunpowder will not be issued. That is another good reason why you always have your licences with you on a re-enactment! For re-enacting purposes there are three categories of ‘gunpowder licence’:-

Category 1. (The Soldiers Licence) the majority of re-enactors are likely to have one of these which is ACQUIRE ONLY and lasts for one year only currently (as at 5/13) i.e. renew annually. Unless the licence says otherwise, you are restricted to handling not more than 15kg of gunpowder at an event. Once the event is over, and you are about to go home, you must return all gunpowder still in your possession to either a category 2 or category 3 Society Officer. You are not allowed to have these explosives away from the re-enacting event or venue. If you do inadvertently take any gunpowder home, and you are caught, the Police will prosecute you in the Magistrates Courts and you could be liable to fines/imprisonment and they will certainly take all your licences away from you.

Category 2. This is currently described as an Acquire and Keep licence. The bigger the unit, the more Acquire and Keep licences will be desirable. NCO’s and Officers (whether Society officers or Commissioned officers), Gun Captains and pyrotechnicians ought to get an Acquire and Keep licence, which will last for the period of your shotgun/firearms licence. You are therefore entitled to have up to 15kg of permitted listed explosives, as set out in your licence, at home provided it is transported and stored in the H&SE approved type of wooden container. For more details about the construction of such boxes, please see the Society Explosives Officer. When they contain explosives, they need to be padlocked and at an event either chained

and padlocked to your bed or kept locked in the boot of your car, out of sight, and at home kept in a place approved by your FLO and secured in some way. Even if there are two of you with Acquire and Keep licences in your home, the maximum of gunpowder you are allowed to keep is still only 15kg at the one location. Licences will list the permitted explosives: obviously for the pyrotechnics officer, this will be an ‘interesting list’, but for the rest of us re-enactors it will normally be only gunpowder / black powder that is permitted.

Category 3. The Explosives Officer. This is normally the Society Explosives Officer who will have a licence for up to 30kg home storage and by the same licence be allowed to handle up to 100kg of gunpowder at an event e.g. a bulk delivery from the supplier. For re-enactment purposes, the Explosives Officer is generally the occupier of a Police Registered Store. He may require Acquire and Keep License holders to take away from an event Society powder for safe storage and to bring it back at a pre-agreed another event. His location on camp will be the powder storage tent/trailer, with its 50yd safety distance around it taped off, and guarded when powder is in situ. At events a person nominated by each unit/regiment goes to the Society Explosives Officer for the gunpowder to be issued to each unit, signing for that powder. The gunpowder is then broken down and/or made up into ‘rounds’, and in a unit the gunpowder issued to each individual re-enactor is to be signed for, so there is traceability of the ‘explosives’. Again, returns need to be recorded. Thus if there is an incident, or the Police make enquiries, where the gunpowder went and was used is evidenced in writing, a requirement of the Explosives Regulations. On-going international terrorist activity creates security services “sensitivity” about any explosives!

Please also note that the Received Competent Authority Document (RCA) is no longer issued separately by the H&SE to allow for the transport of explosives e.g. from the event site to home and back again. The RCA document is now incorporated into the Acquire and Keep Category 2 / Category 3 License document.

Within ACWS, the Society Explosives Officer is directly responsible for the overall supervision of all matters relating to the purchase, storage, transportation and distribution of gunpowder and ammunition within the Society. In addition he must ensure that records of all transactions/transfers of explosives are properly recorded and he has a duty to give prior notice and obtain all necessary licences from the Police Force for the area in which ACWS intends to stage a battle re-enactment or display.

Although percussion caps do not require licences, be careful if you are a target shooter as well as a re-enactor, because your limits on home storage amounts are affected by any percussion caps, fireworks or self loading shooters powder you might have at home – it all adds up!

Generally in re-enacting we do not handle enough explosives to bring into play a Local Authority, a Fire Brigade or the H& SE: all our explosives licensing is via the Police Force for your home and the site of the event.

Ammunition

All ammunition taken onto a re-enactment must be in blank form. You are NOT permitted to have in your possession at a re-enactment any live ammunition. In simple terms ‘blank ammunition’ may be regarded as the loading of gunpowder and priming system without the addition of bullet or shot or any other projectile. Also note that the breaking down of live ammunition into blank form is unlawful and contrary to the provisions of Section 4 of the Explosives Act 1875. Usually the only manufactured blank ammunition we use is 9mm blanks for pistols or .22 blanks for igniting cannon charges.

As a purely practical expedient, the Police have no objection to a re-enactor filling cartridges on-site immediately prior to a battle providing:-

- a) this is done well away from members of the public (30 yds minimum)
- b) it is completed in a safe, supervised and designated area
- c) no smoking, means of generating sparks or other naked flames are permitted whilst cartridge filling is taking place
- d) that breaking down of bulk quantities of gunpowder is only dealt with by the Society Explosives Officer and units making cartridges use only the 500g plastic pots of gunpowder, opening one at a time
- e) as a general guide, between 60 and 70 quarter-of-an-ounce ACW musket charges can be obtained from a 500 gram pot of FOA gunpowder

The Conveyance of Explosives by Road

Up to a maximum of 30 Kg. of gunpowder can be carried in a private vehicle providing the following requirements are complied with:-

- 1) All the explosives are carried in the plastic pots or tubs in compartmentalised wooden containers
- 2) The driver has to be licensed (Acquire and Keep minimum) and should neither smoke nor leave the vehicle unattended
- 3) A water fire extinguisher should be carried
- 4) Black powder/gunpowder should not be carried in a bus taxi or any other vehicle applying for hire or on a railway passenger train. Where the amount of gunpowder exceeds 25 Kg. then that is down to the bulk supplier to the Society to deal with, with specialist vehicles (out of our league!)

As gunpowder currently comes from the supplier in 25 Kg boxes of loose gunpowder, in practice it's "one box" for private vehicle transport.

Sometimes gunpowder can be brought into an event 'on the day' by Acquire and Keep Licensees. If its all used up on the day – no problem. If not, then that night it has to go back, in its wooden boxes, to the home of the Acquire and Keep Licensee. Otherwise overnight storage of gunpowder at an event requires a COER 1A form filling in well in advance and the site duly licensed by the Police authority for the area – a matter for the Society Explosives Officer and his assistants.

Remember, ALWAYS keep members of the public well away from your explosives, and be ever mindful of the security of the same. Sentries must be posted to keep the public away from ground charges when laid until the Society has exclusive use of the area for it's battle. The use of barriers – double rope and pinning – is required, and likewise muskets, handguns and cannons must only be fired in a direction in which effective measures have been taken to ensure that no member of the public is likely to be harmed.

Pyrotechnics / ground charges

The H&SE has no objection to the use of manufactured fireworks e.g. electronically fired maroons, being used to simulate the effect of cannon fire, providing the same is done under licence with the Police. A system of marking the position of ground charges is considered es-

essential to ensure the safety of re-enactors taking part (see H&S Guidance and Rules for Pyrotechnics). Being confined to the battlefield, ground charges do not generally present a risk to members of the public provided that they do not enter the battle area or the ground charges are not detonated too close to the barriers behind which the public are watching the event. It is the key responsibility of the Pyrotechnics Officer to ensure NOTHING for which he/she is responsible gets projected outwith the area of our battle & into the public. After each day's battle / firing display / event, a thorough check is to be immediately made to ensure that no unexploded ground charges or pyrotechnics or musket rounds are left on site once the re-enactment is over. This is an essential requirement to be carried out after every battle / display. Similarly the field must be swept by the infantry, before the public is allowed onto the ground again, to ensure that nothing is left which may explode or which is a weapon e.g. dropped cartridges out of cartridge boxes, a dropped bayonet or pistol or whatever. Also, pick up any empty cartridge papers and dispose of them securely, so that all rubbish is cleared from the battlefield.

We don't want 'little Johnnie' picking up a cartridge of gunpowder, taking it home and playing with matches and then burning himself. That would lead to a claim on our Insurances, a big increase in our annual premium and embarrassing Police enquiries.

To summarise –

- a) do not leave your musket lying around unsupervised
- b) keep all your ammunition in a secure cartridge box and do not leave it lying around unsupervised
- c) return all unused ammunition to your appointed Officer at the end of the event if you are an Acquire Only licence holder (including any loose powder in the bottom of your cartridge box)
- d) always have your licences available with you, just in case the Police wish to inspect them
- e) be safety minded at all times
- f) never fire your rifle/musket within 15 metres of anybody (re-enactor or member of the public) and never fire your rifle/musket when horse(s) are within 25 metres of your muzzle. Never get in front of the cannon when they are firing – 25 metres from the muzzle is said to be the safe distance, but it is much better not to go there!
- g) never use an unproofed gun
- h) always check and clean your weapons after use. Make sure they are and remain safe. For percussion muskets particularly ensure the nipple is clean and clear through to the barrel on a daily basis.

1 Kilo = 2.2lbs. black powder cartridges for muskets should not exceed 90 grains. 3 drams (82 grains) of fine grain black powder is considered a safe yet effective load for a blank firing muzzle loading musket. In the USA a 90 grain cartridge is the maximum charge permissible on the re-enacting field. Overloading any gun is dangerous: a bursting gun can injure you and your immediate neighbours. Even a blown-out nipple could kill.