



Home Office

# Guide on Firearms Licensing Law

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# Chapter 1: An overview – frequently asked questions about firearms licensing

## 1.1. What is meant by the term ‘firearm’?

‘Firearm’ means a lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged.

See Chapter 2 for further details.

## 1.2. What are the basic principles of firearms law in the UK?

UK firearms policy is based on the fact that firearms are dangerous weapons and the State has a duty to protect the public from their misuse. Gun ownership is a privilege, not a right. Firearms control in the UK is among the toughest in the world, and as a result firearms offences continue to make up a small proportion (less than 0.2%) of recorded crime [ONS 2012/13].

## 1.3. What kind of firearm may be licensed?

Some firearms, shotguns and rifles may be licensed and are held on a firearm or shotgun certificate. Low powered air weapons are not licensed in England and Wales unless they are of a type declared specially dangerous by the Firearms (Dangerous Air Weapons) Rules 1969 but there are restrictions on their sale. An air weapon is “specially dangerous” if it is capable of discharging a missile with kinetic energy in excess, in the case of an air pistol, of 6 foot lbs or, in the case of other air weapons, 12 foot lbs.

See Chapters 10, 12 and 17, (chapters on clubs, prohibited persons and dealers) for further details.

## 1.4. Can anyone apply for a firearm certificate?

Permission to possess or to purchase or acquire a firearm will be granted to an individual who is assessed by the licensing authority, the police, as not posing a threat to public safety and having good reason to own the firearm. Organisations such as target shooting clubs, museums and firearms dealers must also apply for licences if they wish to possess or use firearms. Persons who are sentenced to a term of imprisonment of three years or more cannot possess a firearm or ammunition (including antique firearms) at any time.

See Chapters 10, 12 and 17 (chapters on clubs, prohibited persons and dealers) for further details.

## 1.5. Who authorises firearm and shotgun certificates?

The police are the licensing authority for firearm and shotgun certificates as well as for firearms dealers. The authority rests with local police forces rather than a central licensing authority because of the local information that police will use to inform their judgement. Prohibited weapons such as handguns are authorised by the Home Office on behalf of the Secretary of State.

See Chapter 10 for further details.

## 1.6. How do the police decide if a person is fit to own a firearm?

To decide whether a person is fit to own a firearm, the licensing authority will conduct a number of checks which will usually include interviews, visits to the person's property, criminal records checks and references from friends. In addition, the applicant's GP may be contacted.

See Chapter 10 for further details.

## 1.7. What is a good reason to own a firearm?

Applicants should be able to demonstrate to the licensing authority that they require their firearm on a regular, legitimate basis for work, sport or leisure (including collections or research). Chief Officers are able to exercise discretion over what constitutes a good reason, judging each case on its own merits.

See Chapter 13 for further details.

## 1.8. What does a firearm certificate cost?

From 6 April 2015, the fees for the different types of firearms certificates will be as outlined below. Generally, certificates for firearms and shotguns are valid for five years. Those for registered firearms dealers are valid for three years.

Activity	Total Fee (£)
Grant of Firearm Certificate	88
Grant of a Shotgun Certificate	79.50
Renewal of Firearm Certificate	62
Renewal of a Shotgun Certificate	49
Registered Firearms Dealers - Grant or Renewal	200
Replacement of lost or stolen Firearm or Shotgun Certificate	4
Coterminous grant or renewal	90 / 65
Visitor permit (individual / group)	20 / 100
Registered Firearms Dealer Grant for Game Fair etc.	13
Variation (not like for like)	20

## 1.9. How are firearms stored?

The conditions of a firearm or shotgun certificate stipulate that guns must be stored securely so as to prevent access by an unlicensed person. The manner in which they are stored depends on the individual property and circumstances.

See Chapter 19 for further details.

## 1.10. What happens to the firearms in the event of the death of the owner?

In the event of the death of a certificate holder the **person inheriting the effects** must surrender or declare the weapons to the police or a registered firearms dealer. Failure to do so would result in the inheritor being in breach of the law by having the firearms in their possession; it is the responsibility of the inheritor to find out whether firearms are part of the deceased effects. Registered firearms dealers will be able to advise on the value of the items and how best to proceed in accordance with the inheritor's wishes. Options include applying for a firearms licence, selling/transferring the firearm (to a museum or collector) or destroying it.

See Chapters 5, 15 and 25 for further details.

## 1.11. What should I do if I have concerns about a firearm owner?

Any concerns should be reported to your local police force.

## 1.12. What is the government doing to prevent 3D printed guns being used?

If someone were to possess, purchase, manufacture or sell a firearm or its component parts otherwise than in accordance with the requirements of sections 1, 3 and 5 of the Firearms Act 1968, they would be liable to prosecution. We are working closely with our partners, including the police and firearms experts, to assess other implications.

See Chapter 3 for more details.

## 1.13. Where can I find information about shooting clubs, museums or firearms dealers?

Detailed information for dealers can be found in Chapter 16, museums in Chapter 17 and shooting clubs in Chapter 18.

# Chapter 2: Definition and Classification of Firearms and Ammunition

- 2.1 This chapter provides definitions of firearms, shotguns, deactivated firearms, imitation and realistic imitation firearms, including readily convertible imitations, some information on antiques (which are covered more fully in Chapter 8), and firearms conversion. It goes on to define various types of firearms and ammunition for which no certificate is required, including certain types of air weapons.
- 2.2 The definitions of 'firearm', 'shotgun' and 'ammunition' for the purposes of the 1968 Act (as amended) are given in section 57 of the Act and are set out below. The definition of 'firearm' extends to certain imitation firearms (see paragraphs 2.21 and 2.22).
- 2.3 'Firearm' means a lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged. This includes any prohibited weapon, whether it is such a lethal weapon or not, any component part (see Chapter 13) of such a lethal or prohibited weapon, and any accessory to any such weapon designed or adapted to diminish the noise or flash caused by firing the weapon.
- 2.4 'Lethality' is not defined in legislation, but the Firearms Consultative Committee in its Eleventh Annual Report and the Law Commission in its report of 16 December 2015 recommended that any barrelled weapon with a muzzle energy of 1 joule or more should be considered lethally barrelled. However, this is a complex issue and, although case law exists (*Moore v Gooderham* (1960)), only a court can decide whether a particular weapon is capable of causing a lethal injury and would therefore be considered a firearm for the purposes of the Acts. Providers of forensic science services will be able to advise in any case where 'lethality' is likely to be an issue. Firearms law also covers some other weapons, including stun guns and CS, which are prohibited items under the terms of section 5 of the 1968 Act (see Chapter 3 for further information).
- 2.5 Testing has been conducted by the Forensic Science Service on the actual lethality thresholds for airsoft BB 6 mm plastic pellets (0.2 grams). This work has become necessary in the light of the Violent Crime Reduction Act since a greater focus has been given to differentiating between realistic imitation firearms (often used for airsoft skirmishing) and firearms above the lethality threshold that would fall to be considered low powered airguns (or Section 5 (1) (a) prohibited weapons if capable of fully automatic fire).
- 2.6 Based on that work, we think it is safe to conclude that fully automatic airsoft guns operating at 1.3 joules or less and single shot (or semi automatic) airsoft guns operating at 2.5 joules or less would not engage the lethality threshold crossing over into stricter controls under the Firearms Act. This would mean that airsoft firearms that are also realistic imitation firearms operating at or below these thresholds would, nonetheless, not be required to be sold by a Registered Firearms Dealer but that the other control provisions provided by the Violent Crime Reduction Act would apply. Please note that this has not yet been tested by the courts.

- 2.7 “Shotgun” means a smooth-bore gun (not being an air gun) which:
- a) has a barrel not less than 24 inches in length and does not have any barrel with a bore exceeding 2 inches in diameter. The length of the barrel is measured from the muzzle to the point of ignition (breech face). For a muzzle-loading gun, the point of ignition may be taken as the touch-hole or nipple that is nearest to the breach;
  - b) either has no magazine or has a non-detachable magazine incapable of holding more than two cartridges (see paragraphs 2.13, 2.14 and 2.15 for further information). It should be noted that a gun that has been adapted to have such a magazine only meets this criterion if the magazine bears an approved mark and the adaptation has been certified in writing either by one of the two Proof Houses or by such other person as the Secretary of State has designated, as having been carried out in a manner approved by the Secretary of State; and
  - c) is not a revolver gun (that is, a gun containing a series of chambers, which revolve as part of the firing cycle).
- 2.8 When considering the classification of smooth-bore guns, special attention must be paid to the length of the barrel and the overall length. With the exception of those chambered for .22 rimfire cartridges, section 1(2) of the 1988 Act raised to the prohibited category (see Chapter 3) all self-loading and pump-action models which are either short-barrelled (under 24 inches) or short in overall length (under 40 inches). For the purpose of calculating overall length any detachable, retractable or other movable butt-stock should be disregarded. References to ‘shotguns’ in the 1968 Act may be taken generally to mean section 2 shotguns, rather than those subject to sections 1 and 5 of the 1968 Act, unless otherwise stated.
- 2.9 While overall length is not a relevant factor in regard to the classification of traditional single and double-barrelled smooth-bore guns and repeating shotguns with a bolt or lever-action, any such guns with barrels under 24 inches in length are subject to control under section 1 of the 1968 Act. Also controlled under section 1 is any repeating shotgun, not otherwise prohibited by virtue of its barrel length or overall length, with a magazine capacity in excess of two cartridges.
- 2.10 The 1988 Act also raised to the prohibited category any smooth-bore revolver gun other than one that is chambered for 9mm rimfire cartridges or is a muzzle-loading revolver gun. The first exemption is understood to cover ‘ratting’ or ‘garden’ guns. Since the 1988 Act does not permit any revolver gun to be regarded as a ‘shotgun’, smooth-bore revolver guns which are chambered for 9mm rimfire or muzzle-loading guns are classed as firearms and subject to control under section 1 of the 1968 Act.
- 2.11 For the purposes only of sections 3(1) and 45(2) of the 1968 Act, and in the definition of ‘firearms dealer’ in section 57(4), the term ‘shotgun’ also includes any component part of a shotgun and any accessory to a shotgun designed or adapted to diminish the noise or flash caused by firing the gun. For the purposes of all other sections/Acts, a component part of a shotgun is not a shotgun (see section 57(4) of the 1968 Act).
- 2.12 ‘Ammunition’ means ammunition for any firearm and includes grenades, bombs and other like missiles, whether capable of use with a firearm or not; and also includes prohibited ammunition. It should be noted that the definition of ammunition does not include ingredients and components of ammunition; it is only assembled ammunition that is controlled under the Act, not component parts. Empty cartridge cases, for example, are

not 'ammunition'. There are two exceptions to this. The first is missiles for ammunition prohibited under section 5 of the 1968 Act, for example, expanding or armour-piercing bullets. Such missiles are themselves defined as 'ammunition' and are subject to control accordingly (see Chapter 3). The second is primers – section 35 of the Violent Crime Reduction Act 2006 introduced controls on the purchase and sale of a cap type primer designed for use in metallic ammunition. (See Chapter 5).

## Proof House certification of adapted shotguns

- 2.13 Section 1(3A) of the 1968 Act as amended by section 2(3) of the 1988 Act requires that any smooth-bore gun adapted to have a non-detachable magazine incapable of holding more than two cartridges must bear a Proof House mark and have been certified to that effect. This requirement applies not only to those smooth-bore guns already in circulation which have been adapted, but also to those smooth-bore guns which are adapted by the maker subsequent to manufacture but prior to distribution or sale. In both cases such guns are regarded as having been 'adapted' within the meaning of section 1(3A) of the 1968 Act, which was inserted by 2(3) of the 1988 Act.
- 2.14 The marking and certification requirement does not, however, apply in the case of smooth-bore guns, which are manufactured with a non-detachable magazine incapable of holding more than two cartridges. Such guns are not regarded as having been 'adapted' within the meaning of section 2(3) since the capacity of the magazine will be secured during the process of manufacture. Although the guns need not comply with the Secretary of State's specifications, the magazine must meet the requirement in section 1(3)(a)(ii) of the 1968 Act; that is, the magazine must be incapable of holding more than two cartridges.
- 2.15 When assessing the magazine capacity of a firearm, consideration should be given to the number of cartridges that the firearm was designed or proofed to take. For example, where a shotgun has a magazine which is capable of holding three cartridges but was designed to hold only two, the shotgun should be considered a section 2 firearm rather than a section 1 firearm. Although interpretation of the law is ultimately a matter for the courts, it is thought unlikely, for example, that the insertion of a plastic or wooden plug into a large capacity fixed magazine would, of itself, be regarded as rendering that gun as having a magazine incapable of holding more than two cartridges. The restriction would need to be of an equivalent standard to the methods set out in the Home Office approved specifications in order to meet the requirements of section 1(3)(a)(ii).

## De-activated firearms

- 2.16 Within the context of section 38 of the Violent Crime Reduction Act 2006, a 'de-activated firearm' means an imitation that consists of something which was a firearm but has been rendered incapable of discharging a shot, bullet, or other missile. Section 8 of the 1988 Act provides that, unless it can be shown otherwise, a firearm which has been de-activated to a standard approved by the Secretary of State, so that it is incapable of discharging any shot, bullet or other missile, is presumed not to be a firearm within the meaning of the 1968 Act and therefore is not subject to control if it bears a mark approved by the Secretary of State for denoting that fact. The 1988 Act requires that one of the two Proof Houses or some other person approved by the Secretary of State has marked the firearm and certified in writing (that is, provided a certificate) that it has been de-activated to the approved standard. No other person has been approved for this purpose. A de-activated firearm is also to be treated as an imitation firearm, and by virtue of section 24A can only be bought by or sold to someone aged 18 or over.

- 2.17 De-activation specifications were first set by the Home Office in 1989, and revised in 1995. The most recent came into force in 2010. The new specifications which came into force on the 1st October 1995 and 17th December 2010, are not retrospective. Therefore, a gun de-activated to the old specifications prior to revisions, remains de-activated for legal purposes.
- 2.18 The 1995 (and to some extent 2010) specifications encompassed a substantially greater range of firearms design, and are generally more stringent than the preceding (1989) standards.
- 2.19 The revised specifications enable alternative standards to be agreed on a case-by-case basis for the class of weapons listed in the Home Office publication “Firearms Law – Specifications for the Adaptation of Shotgun Magazines and the De-activation of Firearms”. Any alternative standards will be equally stringent but will allow the weapons to retain some of the essential features required by collectors. The later specifications allow for agreement on alternative standards to be an on-going process.
- 2.20 Section 8 of the 1988 Act is an evidential provision and does not preclude the possibility that a firearm which has been de-activated in some other manner may also have ceased to be a firearm within the meaning of the 1968 Act. For example, guns held by museums that were recovered from wrecked ships and aircraft may be corroded to the point that they cannot be fired. This should not be confused with wear or missing parts that can be replaced. The final arbiter of whether the article fulfils the definition of a firearm at section 57(1) is a court.

## EU Firearms Deactivation Regulation

- 2.21 An EU Implementing Regulation establishing common guidelines on deactivation standards and techniques for ensuring that deactivated firearms are rendered irreversibly inoperable will come into force on 8 April 2016. This places a new level of standard for deactivating firearms across the EU. The new standards shall not apply to firearms deactivated prior to 8 April 2016 (when the Regulation comes into effect) unless those firearms are transferred to another Member State or placed on the market. The Proof Houses will be applying these standards to firearms submitted to them on or after 8 April 2016. A link to the [Implementing Regulation 2015/2403](#) is attached here.
- 2.22 Further information will be made available on the .GOV website. A link to the firearms pages is attached: <https://www.gov.uk/guidance/firearms-licensing-police-guidance>.

## Readily convertible imitation firearms

- 2.23 As indicated in paragraph 2.3, a firearm is defined at section 57(1) in the 1968 Act as a “lethal barrelled weapon from which any shot, bullet or other missile can be discharged”. Section 1 of the 1982 Act extended the provisions of section 1 of the 1968 Act to certain imitation firearms. Therefore, a firearm certificate is required to possess, purchase or acquire an imitation firearm which:
- a) has the appearance of being a firearm to which section 1 of the 1968 Act applies; and
  - b) is so constructed or adapted as to be readily convertible into a firearm to which that section applies.

- 2.24 Under section 1(6) of the 1982 Act, an imitation firearm is regarded as readily convertible into a firearm to which section 1 of the 1968 Act applies if:
- a) it can be converted without any special skill on the part of the person converting it in the construction or adaptation of firearms of any description; and
  - b) the work involved in converting it does not require equipment or tools other than such as are in common use by persons carrying out works of construction and maintenance in their own homes.

Section 1(5) of the 1982 Act provides a defence for a person accused of an offence to show that he did not know, and had no reason to suspect, that the imitation firearm was so constructed or adapted as to be readily convertible into a firearm to which section 1 of the Act applies.

## Guidelines on the 1982 Act

- 2.25 Guidelines have been issued which advise on the technical measures that can be taken to prevent an imitation firearm from being readily convertible into a lethal barrelled weapon. These guidelines are intended primarily for the gun trade and are available from representative organisations, such as the Gun Trade Association.

## Offences involving imitation firearms

- 2.26 The 1994 Act amended certain provisions of the 1968 Act regarding imitation firearms.
- 2.27 Section 1 of the 1994 Act inserted a new offence at section 16A of the 1968 Act; it makes it an offence to possess any firearm or imitation firearm with intent to cause, or to enable another person to cause, someone else to fear that unlawful violence will be used against them or another person. It provides for a maximum penalty of 10 years' imprisonment or a fine, or both.
- 2.28 Section 2 of the 1994 Act extended the existing offences of trespassing with a firearm in a building or on land (see section 20 of the 1968 Act) to include trespassing with an imitation firearm. It provides that the new offences are liable to a maximum penalty of 6 (building) or 3 (land) months imprisonment, or a fine, or both. The offence of trespassing with an imitation firearm in a building (in contrast to the offence committed with a firearm as defined by section 57(1) of the 1968 Act) is triable only summarily. Section 2 also extends section 46(1)(b) of the 1968 Act (police powers of search with a warrant) to provide for the seizure of imitation firearms as well as real firearms.
- 2.29 Section 37 of the Anti Social Behaviour Act 2003 extends the provisions of section 19 the Firearms Act 1968, making it an offence triable either way for a person to carry an imitation firearm in a public place without lawful authority or reasonable excuse (see also chapter 22). Section 41 of the Violent Crime Reduction Act 2006 increased the maximum custodial sentence to 12 months for this offence – this maximum sentence applies when this offence is tried on indictment.
- 2.30 Section 24A of the Firearms Act 1968, as inserted by section 40 of the Violent Crime Reduction Act, makes it an offence for anyone aged under 18 to purchase an imitation firearm and for anyone to sell an imitation firearm to someone aged under 18. There is a defence for anyone charged with the offence of selling an imitation firearm to someone under 18, where they can show that they had reasonable grounds for believing the purchaser to be 18 or over.

## Realistic imitation firearms

- 2.31 Section 36 of the Violent Crime Reduction Act 2006 makes it an offence for a person to manufacture, sell, import or cause a realistic imitation firearm to be brought into Great Britain. The Act also makes it an offence to modify an imitation firearm so that it becomes a realistic imitation firearm. Section 38 (1) defines a 'realistic imitation firearm' as an imitation firearm which:
- a) has an appearance that is so realistic as to make it indistinguishable, for all practical purposes, from a real firearm; and
  - b) is neither a de-activated firearm nor an antique.
- 2.32 This definition of 'realistic imitation firearm' applies for the purposes of sections 36 and 37. The term 'real firearm' is defined in section 38(7) as either a firearm of an actual make or model of a modern firearm, or a generic modern firearm. The term 'modern firearm' is defined in subsection 8 as a firearm other than one whose appearance would tend to identify it as having a design and mechanism of a sort first dating before 1870.
- 2.33 Section 37 provides for a number of specified defences, which apply for the offence under section 36, where a realistic imitation firearm is made available for one or more of the following purposes:
- i) for the purposes of a museum or gallery
  - ii) for the purposes of theatrical performances and of rehearsals for such performances
  - iii) in the production of films (within the meaning of Part 1 of the Copyright, Designs and Patents Act 1988 (c.48))
  - iv) in the production of television programmes (within the meaning of the Communications Act 2003))
  - v) for the organisation and holding of historical re-enactments organised and held by persons specified or described for the purposes of this section by regulations made by the Secretary of State (see paragraph 2.33)
  - vi) for the purposes of functions that a person has in their capacity as a person in the service of Her Majesty.
- 2.34 Section 37 (3) provides a further defence for businesses to import realistic imitation firearms for the purpose of modifying them so that they cease to be realistic imitation firearms.
- 2.35 The Violent Crime Reduction Act 2006 (Realistic Imitation Firearms) Regulations 2007 (SI 2007/2606) provided two further defences which apply to an offence under section 36 of the 2006. The first is a defence for making a realistic imitation firearm available for 'permitted activities', defined as "the acting out of military or law enforcement scenarios for the purposes of recreation" and primarily intended to cover those participating in airsoft skirmishing. It is a requirement under the regulations that third party liability insurance is held in connection with such activities.
- 2.36 The second is a defence for display of realistic imitation firearms at a 'permitted event', defined as a commercial event at which firearms or realistic imitation firearms (or both) are offered for sale or displayed (i.e. arms fairs).
- 2.37 The Regulations also specify that those relying on the historical re-enactment defence must have third party liability insurance in connection with the organisation and holding of historical

re-enactments. Where a person indicates that they wish to buy a realistic imitation firearm for airsoft skirmishing, retailers should seek to determine that the prospective buyer holds third party liability insurance in connection with the organisation and holding of the recreational acting out of military or law enforcement scenarios. In many cases airsoft players will be members of clubs which are members of the United Kingdom Airsoft Retailers Association (UKARA). UKARA operates a database, which keeps a record of participating airsoft players and game sites, and is used for identification purposes. Equally, where a person intends to buy a realistic imitation firearm for the purposes of historical re-enactment, retailers should check that the prospective buyer is a member of a club or society recognised by the National Association of Re-enactment Societies (NAReS) or an organisation of similar standing prior to making a sale.

- 2.38 In determining whether an imitation firearm is to be considered a realistic imitation firearm, section 38(3)(a) of the Violent Crime Reduction Act 2006 states that its size, shape and principal colour are to be taken into account. Section 38(3)(b) confirms that an imitation is to be regarded as distinguishable if its size, shape or principal colour is unrealistic for a real firearm. The Violent Crime Reduction Act 2006 (Realistic Imitation Firearms) Regulations 2007 specify a set of colours and dimensions in order to distinguish between imitation firearms and realistic imitation firearms. An imitation firearm with dimensions less than 38 mm in height and 70mm in length is to be regarded as unrealistic. An imitation firearm which is principally coloured bright red, bright orange, bright yellow, bright green, bright pink, bright purple, bright blue, or which is transparent should also be regarded as unrealistic.
- 2.39 An imitation firearm whose principal colour is not one of those listed in the Regulations does not automatically fail to be regarded as realistic, although it is more likely that that will be the case. In these circumstances, the general test of whether it is distinguishable from a real firearm, taking into account its size, colour etc. should be applied.

## Specifications for blank firing imitation firearms

- 2.40 Under section 39 of the Violent Crime Reduction Act 2006, it is an offence to manufacture or import an imitation firearm which does not conform to specifications set out in the Violent Crime Reduction Act 2006 (Specification for imitation Firearms) Regulations 2011 (SI 2007/2606). It is also an offence to modify an imitation firearm so that it does not conform to the specifications or to modify a firearm to create an imitation firearm which does not conform to the regulations. Accordingly, all blank firing imitation firearms, i.e. imitation firearms capable of firing a blank cartridge, and blank firing imitation revolvers must conform to the specifications set out in regulations 4 and 6 of the 2011 regulations respectively. Under regulation 7 of the regulations, the offence in section 39(2)(d) of the 2006 Act of importing an imitation firearm which does not conform to the specifications does not apply where the imitation firearm was imported for one of the reasons specified in section 37 (2) of the 2006 Act (see paragraph 2.31).

## Small firearms

- 2.41 The 1997 Act prohibited, for the purposes of section 5 of the 1968 Act, any firearm which either has a barrel less than 30cm in length or is less than 60cm in length overall, other than an air weapon, a muzzle-loading gun or a firearm designed as signalling apparatus. The intention was to prohibit certain particularly dangerous firearms which were easy to conceal. In general terms, this has meant the prohibition of handguns but it is important to remember that the legislation does not refer explicitly to handguns; instead it refers to small firearms. For exemptions to the requirement to obtain the Secretary of State's authority to possess prohibited firearms see Chapter 3.

## Antiques

- 2.42 The provisions of the 1968 Act do not apply to antique firearms kept as curiosities or ornaments (section 58(2)). There are therefore two key issues: whether a firearm is legitimately an antique and whether it is to be sold, transferred, purchased, acquired, or possessed as a curiosity or ornament. The word 'antique' and the phrase 'curiosity or ornament' are not defined in law. However, detailed guidance on what should be regarded as an antique firearm for firearms licensing purposes can be found in Chapter 8. The person in possession of a particular firearm should be able to demonstrate to the satisfaction of the chief officer of police that it can be treated as an antique for certification purposes, although it would be for the prosecution to prove otherwise in the event of the matter coming to court. Evidence of antique status may include an indication of date of manufacture, details of technical obsolescence, a lack of commercial availability of suitable ammunition, or a written opinion by an accredited expert. If there is any indication that a firearm is to be used (that is, not held purely as a curiosity or ornament), it should not be regarded as an antique firearm for the purposes of the Firearms Acts and normal certification procedures apply.
- 2.43 From 14 July 2014 persons prohibited from possessing firearms under section 21 (including those with suspended sentences) will also be unable to possess antique firearms (see chapters 5 and 8).

## Firearms and ammunition for which no certificate is required

- 2.44 Firearm and shotgun certificates are required in respect of the majority of firearms and ammunition. However, the following types are exempt:

### i) Air and gas operated weapons and their ammunition

- 2.45 Air guns, air rifles and air pistols are exempt from the certification requirement if they are not of a type declared specially dangerous by the Firearms (Dangerous Air Weapons) Rules 1969, as amended by the 1993 Rules or the Firearms (Dangerous Air Weapons) (Scotland) Rules 1969, as amended by the Firearms (Dangerous Air Weapons) (Scotland) Amendment Rules 1993.
- 2.46 The Rules provide that any air weapon is 'specially dangerous' if it is capable of discharging a missile so that the missile has, on being discharged from the muzzle of the weapon, kinetic energy in excess, in the case of an air pistol, of 6 foot lbs or, in the case of an air weapon other than an air pistol, 12 foot lbs. An air rifle with a muzzle energy in excess of 12 foot lbs must be held on a firearm certificate. Any air pistol which either has a barrel less than 30cm in length or is less than 60cm in length overall, with a muzzle energy in excess of 6 foot lbs is a prohibited firearm.
- 2.47 If there is doubt about a particular air weapon, police forces should seek advice from forensic science service providers. It should be noted that the firing capabilities have been found to differ between particular weapons of the same model. It should not be automatically assumed that all specimens of a particular model of air gun produce exactly the same muzzle energy, particularly if its published power level approaches the 6 foot lbs or 12 foot lbs levels, as appropriate to its type. Testing of air weapons for the purposes of determining their status under the current legislation should only be carried out under strictly controlled circumstances. Forensic science service providers can offer help and advice.

- 2.48 By virtue of section 48 of the 1997 Act, firearms using compressed carbon dioxide as the power source are treated as air weapons and, if not regarded as ‘specially dangerous’ (over 6 foot lbs in the case of a pistol or 12 foot lbs in the case of other air guns and air rifles) are thus exempt from the firearm certificate procedure. Firearms using other gases are not so exempt.
- 2.49 It should be noted that the majority but by no means all guns powered by carbon dioxide which discharge paint pellets and which are used in adventure games are unlikely to cause serious injury, nor were they designed as ‘weapons’. As such, they should not be considered to be firearms.
- 2.50 Ammunition for air weapons and other weapons using compressed gas is exempt from the certification procedure.
- 2.51 The Rules do not apply to an air weapon designed for use only when submerged in water, such as harpoon guns.

## ii) De-activated firearms

- 2.52 See paragraph 2.16.

## iii) Shotgun cartridges

- 2.53 A shotgun certificate is not required to possess or acquire shotgun cartridges containing five or more shot, none of which exceeds .36 inch in diameter. All ordinary shot cartridges are covered by this description. However, a shotgun certificate (or firearm certificate authorising possession of a section 1 shotgun) is normally required to purchase shotgun cartridges. All single bulletted ammunition, for example solid slug, spherical ball or projectiles for birdscaring equipment, is subject to the requirement for a firearm certificate.

## iv) Blank cartridges

- 2.54 Blank cartridges not exceeding 1 inch in diameter are also exempt from the certification procedure.

## v) Display Boards and decorative purposes

- 2.55 In the absence of a court ruling, inert cartridges and ammunition mounted on display boards are not regarded as being subject to the Acts. Similarly, inert bullets mounted on key rings or cuff links are assumed to be exempt.
- 2.56 It should be noted that exemption from the certification procedure does not automatically exempt a firearm from all the other provisions of the Act. A person found trespassing with a low-powered air weapon, for example, might still be charged with “armed” trespass. It is also an offence for a person prohibited by the terms of section 21 of the 1968 Act to be in possession of an air gun or ammunition for it.

## Other classes of firearms and ammunition

2.57 When considering whether a particular weapon should be regarded as a firearm to which sections 1, 2 or 5 of the 1968 Act applies or which is covered by the 1982 Act, it is important to remember that the purpose of the legislation is to control the supply and possession of all rifles, guns and pistols which could be used for criminal or subversive purposes while recognising that individuals may own and use firearms and other devices for legitimate purposes. In the absence of a decision by a court, the Secretary of State takes the view that the following devices should not be regarded as firearms within the definition of the Act:

- a) captive-bolt stunning devices (where the bolt remains attached to the barrel) used in the slaughter of animals, operated by blank cartridges or pneumatically;
- b) nail guns, designed as tools for the insertion of nails, metal pins and threaded bolts into solid objects;
- c) alarm guns, which are devices operated by a trip wire for the detonation of small explosive charges;
- d) line throwing implements used for saving life of those in vessels in distress;
- e) net throwing guns which are devices designed for the live capture of birds and animals (but not those net throwing guns which are designed for law enforcement purposes);
- f) rocket signal and illuminating devices (but not signalling pistols or hand-held devices using cartridges, and which discharge a signal or illuminating load from a fixed barrel);
- g) fuse igniting pistols designed to ignite a slow burning pyrotechnic fuse or shock cord by firing a primer or blank cartridge;
- h) cable cutters and cable spikers (designed to earth the residual electronic charge held in high voltage cables) fired by blank cartridges;
- i) harpoon guns utilising a spigot and fired by blank cartridge, such as the Greener harpoon gun;
- j) dummy and target launchers (designed to project a dummy for dog training or an artificial target for shooting), utilising a spigot and powered by blank cartridges;
- k) armoured fighting vehicle (AFV) smoke dischargers used to project pyrotechnics for smoke screening; and
- l) smoothbore sleeve type chamber inserts for use in a shotgun or rifle (chamber adaptors which incorporate rifling and chambered for any cartridge are subject to Section 1 control.).

## Conversion of firearms

2.58 Section 7(1)(a) of the 1988 Act (as amended by the 1997 Act) provides that if any weapon has at any time been a weapon to which section 5(1) or 5(1A) of the 1968 Act applies, it shall be treated as a prohibited weapon regardless of anything done for the purpose of converting it into a weapon of a different kind. Thus a fully automatic weapon such

as a Bren gun which has been smooth-bored and adapted to single-shot would still be classified as a prohibited weapon, as would a pistol that had a 24 inch or more smooth-bore barrel fitted to it.

2.59 Section 7(1)(b) provides an exception in respect of self-loading or pump-action smooth-bore guns which have at some time possessed a barrel under 24 inches (and would otherwise be caught under section 5(1)(ac) of the 1968 Act) and which at the present time have a barrel of 24 inches or more. This takes account of the fact that some self-loading and pump-action smooth-bore guns are manufactured so as to readily accommodate, and with equal facility, interchangeable barrels of varying lengths, which may be more or less than 24 inches. The exception therefore protects a person who acquires such a gun in its long-barrelled mode without being aware that in the past it had been fitted with a shorter barrel.

2.60 Section 7(2) of the 1988 Act provides that a weapon which:

- a) has at any time since the coming into force of section 2 of the 1988 Act (which required a firearm certificate for certain types of shotgun) been a section 1 weapon; or
- b) would at any previous time have been such a weapon had the 1988 Act been in force,

shall, if it has, or at any time has had, a rifled barrel of less than 24 inches be a section 1 firearm, irrespective of any work done to convert it into a shotgun or an air weapon.

2.61 However, section 7(3) of the 1988 Act exempts from the provisions of section 7(2) any firearm where the barrel has been shortened by a registered firearms dealer for the sole purpose of replacing part of it so as to produce a barrel not less than 24 inches in length. This allows firearms dealers to cut off from a rifled barrel which is 24 inches or greater in length a damaged or worn part, drill out the rifling from the remaining part of the barrel and add a smooth-bored section so as to produce a barrel not less than 24 inches in length.

2.62 This exemption refers only to guns that have at some time had barrels less than 24 inches in length solely by virtue of such work having been carried out by a registered firearms dealer. Guns which have at any time had a barrel less than 24 inches in length for some other reason cannot benefit from this exemption even if they are subsequently shortened again by a registered firearms dealer for the purpose stated. This covers the conversion of firearms and does not impinge on the destruction of a firearm by a dealer cutting it into pieces, including the barrels.

# Chapter 3: Prohibited Weapons and Ammunition

3.1 This Chapter defines weapons and ammunition prohibited under the terms of section 5 of the 1968 Act. It explains the arrangements whereby the Secretary of State grants authorities for possessing section 5 weapons and ammunition, and the various exemptions from the requirement to possess this authority. References to the Secretary of State in this Chapter correspond to the Scottish Ministers in Scotland.

## Definitions

3.2 Section 5(1) of the 1968 Act, as modified by the Transfer of Functions (Prohibited Weapons) Order 1968 and amended by the 1988 Act, the 1992 Regulations, the 1997 Acts, the Scotland Act 1998 (Transfer of Functions to Scottish Ministers etc.) Order 1999, the Anti-social Behaviour Act 2003 and the Anti-social Behaviour, Crime and Policing Act 2014<sup>1</sup>, makes it unlawful to purchase, acquire or possess, without the authority of the Secretary of State, any prohibited weapon or ammunition. Section 5(1A) of the 1968 Act makes it unlawful to purchase, acquire or possess, without the authority of the Secretary of State, any prohibited weapon or ammunition. Unlike the section 5 (1) offence, the section 5 (2A) offence contained in the Anti-social Behaviour, Crime and Policing Act 2014 covers the manufacture, sale or transfer of any prohibited weapon or prohibited ammunition and the possession for sale or transfer and, purchase or acquisition for sale or transfer of any prohibited weapon or prohibited ammunition.

Those weapons and ammunition, which are prohibited, consist of:

- i) any firearm which is so designed or adapted that two or more missiles can be successively discharged without repeated pressure on the trigger (section 5(1)(a));
- ii) any self-loading or pump-action rifled gun other than one which is chambered for .22 rimfire cartridges (section 5(1)(ab));
- iii) any firearm which either has a barrel less than 30 centimetres in length or is less than 60 centimetres in length overall, other than an air weapon, a muzzle-loading gun or a firearm designed as signalling apparatus (section 5(1)(aba));
- iv) any self-loading or pump-action smooth-bore gun which is not an air weapon or chambered for .22 rimfire cartridges and either has a barrel less than 24 inches in length or is less than 40 inches in length overall (section 5(1)(ac));
- v) any smooth-bore revolver gun other than one which is chambered for 9mm rimfire cartridges or a muzzle-loading revolver gun (section 5(1)(ad));

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<sup>1</sup> The firearms provisions within the Anti-social Behaviour, Crime and Policing Act 2014 come into force on 14 July 2014

- vi) any rocket launcher, or any mortar, for projecting a stabilised missile, other than a launcher or mortar designed for line-throwing or pyrotechnic purposes or as signaling apparatus (section 5(1)(ae));
- vii) any air rifle, air gun or air pistol that uses, or is designed or adapted for use with, a self-contained gas cartridge system (section 5(1)(af));
- viii) any weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas or other thing (section 5(1)(b));
- ix) any cartridge with a bullet designed to explode on or immediately before impact, any ammunition containing or designed or adapted to contain any such noxious thing as is mentioned in (viii) above and, if capable of being used with a firearm of any description, any grenade, bomb or other like missile, or rocket or shell designed to explode as aforesaid (section 5(1)(c));
- x) any firearm which is disguised as another object (section 5(1A)(a));
- xi) any rocket or ammunition not falling within (ix) above which consists of, or incorporates, a missile designed to explode on or immediately before impact and is for military use (section 5(1A)(b));
- xii) any launcher or other projecting apparatus not falling within (vi) above which is designed to be used with any rocket or ammunition falling within (xi) above or with ammunition which would fall within that paragraph but for it being ammunition falling within (ix) above (section 5(1A)(c));
- xiii) any ammunition for military use which consists of, or incorporates, a missile designed so that a substance contained in the missile will ignite on or immediately before impact (section 5(1A)(d));
- xiv) any ammunition for military use which consists of or incorporates a missile designed, on account of its having a jacket and hard-core, to penetrate armour plating, armour screening or body armour (section 5(1A)(e));
- xv) any ammunition which incorporates a missile designed or adapted to expand on impact (section 5(1A)(f));
- xvi) anything which is designed to be projected as a missile from any weapon and is designed to be, or has been incorporated in, any ammunition falling within any of the preceding paragraphs (see xiii, xiv and xv above); or any ammunition which would fall within any of those paragraphs but for it being specified at (ix) above (section 5(1A)(g)).

## Component parts

- 3.3 Note that the component parts of weapons falling under 5(1)(a), 5(1A)(a) or 5(1)(aba) are also subject to section 5 controls (see also Chapter 13).
- 3.4 Category (i) above includes weapons such as machine guns, sub-machine guns, chain guns and the so-called 'burst-fire' weapons in which several missiles (typically 3-5) are discharged in succession on a single application of the trigger. Case law also suggests that the courts should consider the actual operation of the firearm rather than the intent of the designers.

- 3.5 Category (ii) includes carbines, which are included in the definition of a rifle in section 57(4) of the 1968 Act. Originally, a carbine was a short musket or rifle intended for use by mounted troops, but the term has come to mean any rifle with a short barrel. Also caught in this category are the so-called 'hybrid' firearms such as the Colt Armalite AR-15 'pistol'. These weapons are self-loading versions of long arms made to operate in self-loading mode only and sold without a shoulder stock. The term 'automatic' is also sometimes incorrectly applied to self-loading pistols.
- 3.6 Category (iii) affects the kind of small firearm that is easily concealed and yet confers high firepower. For this reason, muzzle-loading weapons (including cap and ball revolvers) and flare pistols are deliberately excluded. It should be remembered that the 1997 Act did not ban pistols as such and was drafted in terms of small firearms. NB: category (iii) includes 'specially dangerous' air pistols and 'specially dangerous' short air rifles (see paragraph 3.24).
- 3.7 In terms of measurement, section 57 (6) of the Firearms Act 1968 makes provision for the barrel to be measured from the muzzle to the point at which the charge is exploded on firing. In measuring the overall length, any detachable, folding, retractable or other movable butt-stock should be disregarded in accordance with section 5(8) of the 1968 Act.
- 3.8 Any long-barreled pistols with dimensions greater than those stipulated in section 5(1)(aba) of the 1968 Act (such as the long barreled Uberti Cattleman revolver) are not caught by this section of the Act and may legally be held on a firearm certificate.
- 3.9 Category (iv) covers short-barreled or short overall length pump-action and self-loading shotguns, which may have folding or retracting shoulder stocks. Short barreled smooth bore 'specially dangerous' air weapons also fall into this category.
- 3.10 Category (v) covers most smooth-bore revolver guns though an exception is made for the so-called 'rattling guns' chambered for 9mm rimfire and for muzzle-loading revolver guns, both of which are subject to control under section 1 of the Act. Section 57(2B) of the 1968 Act (as inserted by the 1988 Act) defines a smooth-bore revolver gun as one containing a series of chambers, which revolve when the gun is fired. Examples of such guns are the 'Dragon' and the 'Striker'.
- 3.11 In category (vi), a rocket launcher is effectively a tube designed to launch a rocket-propelled missile, whereas a mortar uses an explosive charge to launch a bomb. All modern rocket launchers and mortars are caught by this sub-section. Antique or replica mortars (often used by historical re-enactment groups) are used to fire blanks or unstabilised projectiles, and are subject to control under section 1 or 2 of the 1968 Act, depending on the size of the bore and the length of the barrel.
- 3.12 Category (vii) applies to air weapons that are designed, or adapted for use with self-contained gas cartridge (SCGC) systems. This category does not include weapons that use a CO2 bulb system because CO2 bulbs do not contain a projectile and, therefore, are not self-contained. Section 39 (4) of the Anti-Social Behaviour Act 2003 makes provision for existing owners (i.e. those who possessed an SCGC weapon on 20 January 2004) to keep and continue to use their weapons, provided they were entered onto a firearm certificate before 30 April 2004 or that the owners had applied to have them placed on a firearm certificate before that date. Such people do not require the Secretary of State's authority under section 5 to continue to possess their weapon and, by virtue of subsection 4, a chief officer may not refuse to grant or renew and may not revoke or partially revoke, a firearm certificate on the ground that the person does not have a good reason for having such a firearm in his possession. However, chief officers will still need to satisfy themselves that applicants are fit to be entrusted with the firearm, are not a prohibited person, and will not present a danger to

public safety or to the peace. There is no provision in legislation for such weapons to be sold or transferred to other firearm holders. They may, however, be deactivated.

- 3.13 SCGC weapon owners wishing to surrender their weapons can do so to the police or a Registered Firearm Dealer (RFD) in possession of a Home Office approval for section 5(1)(af) weapons. Those RFDs with the relevant Home Office approval may also repair or deactivate such firearms.
- 3.14 For category (viii) weapons, the courts have held the view that stun guns are prohibited weapons under the terms of section 5(1)(b) of the 1968 Act (*Flack v Baldry* (1988) 1 All.ER 673). Anyone wishing to possess, purchase, acquire, manufacture, sell or transfer these and similar weapons, which give off an electrical discharge, must apply for the Secretary of State's authority. Cattle prods are not considered to be within this category because they are not designed or adapted as weapons. This section not only includes flamethrowers and poison gas projectors, but also personal protection sprays using CS, Mace or OC pepper. Additionally, it covers dart guns and blowpipes for shooting drugged or poisoned darts (but see section 8 of the 1997 Act which provides an exemption from the need for authority to possess such weapons provided they are held on a firearm certificate conditioned to allow their use for the tranquilising or otherwise treating of any animal).
- 3.15 Category (ix) includes cartridges containing explosive bullets and ammunition containing noxious substances such as CS. Explosive bullets are those containing an explosive charge the purpose of which is to cause the bullet to explode on or immediately before impact with the target. Tracer bullets, which contain a chemical flaring compound designed so that the flight of the bullet can be seen, are not prohibited. Smoke canisters are not covered by this provision.
- 3.16 Category (x) was introduced primarily to control walking stick shotguns, but covers any firearm disguised as something else, for example, a pen pistol. A disguised firearm can also be a small firearm for the purposes of section 5(1)(aba). A firearm with camouflage applied for legitimate use, for example, by gamekeepers or wildfowlers, is not considered to be a disguised firearm for the purposes of the Act.
- 3.17 Category (xi) covers such things as air-to-air, air-to-ground or ground-to-air missiles that are fired from launch rails rather than through a tube. It also includes rocket grenades and torpedoes. It does not cover free-fall bombs, which are not considered to be ammunition.
- 3.18 Category (xii) refers to such things as launch tubes fitted to fixed- or rotary- wing aircraft for category (xi) missiles. Launch rails, which provide solely for carriage and release, are not considered to be launchers unless they also provide the initial guidance for the missile.
- 3.19 Category (xiii) refers to ammunition designed to have an incendiary effect at the target. This includes missiles containing napalm and similar substances. It does not include tracer rounds.
- 3.20 Category (xiv) is typified by tungsten-cored rounds designed to penetrate armour using kinetic energy alone. It extends to depleted uranium rounds and armour piercing discarding sabot ammunition.
- 3.21 Category (xv) refers to ammunition incorporating a projectile that is designed or adapted to expand in a controlled manner. It is the kind of ammunition used in deerstalking and vermin control because it is more likely than non-expanding ammunition to ensure a quick and humane kill. Semi-jacketed soft point and hollow point are typical forms of expanding

ammunition, but care must be taken to distinguish between match target hollow point ammunition, which has a tiny hole at the front for manufacturing purposes, and true hollow point. Match hollow point rounds which are not designed to expand upon impact, such as the Sierra Match King and the Hornady A-Max, are not prohibited. Flat-nosed bullets, which are designed to prevent a magazine explosion caused, by a pointed bullet resting on the primer of the cartridge ahead of it when the ammunition is used in a tubular magazine are also not prohibited. All bullets will distort on impact, but only those which were designed or adapted to do so in a predictable manner fit this category.

- 3.22 Category (xvi) extends the prohibition on the various types of prohibited ammunition to the actual bullet or missile itself, not just the complete round of ammunition (a complete round consists of the bullet, the cartridge case, the propellant and the primer). Certain categories of shooter such as deerstalkers and vermin controllers are exempt from the requirement to obtain the authority of the Secretary of State to possess expanding ammunition (see Chapter 4) and will have the appropriate condition entered on their firearm certificate (see Appendix 3). There is no need for the bullets to be listed separately on the certificate, other than in the circumstances described below.
- 3.23 However, where a certificate holder requests large quantities of bullets, it should be remembered that the total number of bullets authorised counts towards their overall limit on possession of expanding ammunition. The exception to the rule on listing bullets separately on a firearm certificate applies in the case of a certificate holder who wishes to possess a variety of different types of bullets. This may be reflected in a relatively higher overall limit on possession and, in these circumstances, the bullets should be listed separately to help avoid unnecessary stockpiling of complete rounds. The dealer making the sale must record transactions of expanding ammunition on the certificate and the sale must also be recorded in the dealer's register. Provisions for Registered Firearms Dealers are outlined in Chapter 4.
- 3.24 Section 1(4) of the 1988 Act enables the Secretary of State, subject to the approval of Parliament, to make an Order adding to the list of prohibited weapons and ammunition. This power applies only in respect of:
- a) any firearm (not being an air weapon) which is not for the time being specified in subsection (1) of section 5 of the 1968 Act, was not lawfully on sale in Great Britain in substantial numbers at any time before 1988 and appears to the Secretary of State to be:
    - i) specially dangerous (see Chapter 2); or
    - ii) wholly or partly composed of material making it not readily detectable by apparatus used for detecting metal objects; and
  - b) any ammunition which is not for the time being specified in that subsection but appears to the Secretary of State to be specially dangerous.

The Olympic .380 BBM starting pistol was identified as readily convertible in 2010 and now falls within the definition of a prohibited firearm under section 5.

- 3.25 The manufacture, purchase, sale and possession of 3D printed firearms, ammunition or their component parts is fully captured by the provisions in section 57(1) of the Firearms Act 1968. The definition of firearm in the Act includes any component parts. 3D printed firearms are subject to strict control in the following respects:
- a. under section 1 of the 1968 Act, it is an offence for an individual to possess, purchase or acquire any component part of a firearm without a certificate;
  - b. under section 3 of the 1968 Act, it is an offence for a person to manufacture or possess for sale a component part of a firearm acting by way of trade or business; and
  - c. under section 5 of the 1968 Act, it is an offence for a person to possess, purchase, acquire, manufacture, sell, transfer, possess for sale or transfer, or purchase or acquire for sale or transfer, a component part of a prohibited weapon without the authority of the Secretary of State for the Home Department or by Scottish Ministers in Scotland.
- 3.26 The expression “firearm” in the 1968 Act means a lethal barrelled weapon of **any** description, or component part of such weapon, from which any shot, bullet or other missile can be discharged (see chapter 13 for more details on component parts). 3D printed weapons are potentially lethal barrelled weapons and must be viewed as such in law. The method of manufacture is not material to this consideration.

## Authorities under section 5 of the 1968 Act

- 3.27 **Chapter 3 of the Guide to Firearms Licensing Law 2013 sets out the arrangements under which the Secretary of State considers applications for authority to possess prohibited weapons and ammunition under section 5 of the Firearms Act 1968 (as amended).**

In England and Wales, applications for authority to possess, purchase, acquire, manufacture, sell, transfer, possess for sale or transfer, or purchase or acquire for sale or transfer prohibited weapons or ammunition are processed by the Home Office.

Due to the specially dangerous nature of prohibited weapons and prohibited ammunition, applications are subject to the most rigorous scrutiny. Consequently applications may take up to three months to process. Only applications that provide, as a minimum, the following will be given consideration:

- Covering Letter – All applicants should set out the reasons for the need to possess the weapons and/or ammunition sought, and any other relevant information. You must provide a full explanation of why you need the Secretary of State’s authority. (New applicants should also enclose a business plan that sets out the background, mission and objectives of the business and evidence of prospective trade);
- Breakdown of the numbers and types of weapons and ammunition required - All applicants should use the Section 5 Application Form to provide a breakdown of the numbers and types of weapons and ammunition being sought. For assistance, the application form contains descriptions of the different types of weapons and ammunition as set out in legislation. There is also a comprehensive list in chapter 3 of the Guide to Firearms Licensing Law 2013;
- Evidence of regular and substantial trade or prospective business – This is a key part of the application and should be documentary evidence in the form of invoices, bills

of sale, contracts, or unsolicited enquiries from potential customers, for the most recent six months, to demonstrate a legitimate trading need; or if not, then the ability to demonstrate some other genuine need. We may, in exceptional circumstances, be prepared to accept evidence covering the most recent 12 months;

- Copy of the register of transactions – This will record the movement of weapons and ammunition and may be submitted as documentary evidence in cases where invoices, bills of sale, or contracts are not readily available, e.g. where transactions may not involve money;
- Breakdown of the existing stock level – This is particularly relevant in applications for the renewal of section 5 authority or for a change in the numbers and/or types of weapon in an existing section 5 authority;
- Copy of the Registered Firearms Dealer certificate – In the majority of section 5 applications, the applicant should already be a registered firearms dealer. In the case of Private Maritime Security Companies they should refer to chapter 30, paragraph 30.15 for further advice before applying to the police for registration as a firearms dealer;
- Signed HM Revenue and Customs consent form – This is to enable enquiries to be made with that organisation;
- Any other relevant information that you feel would help in considering your application.

Completed applications and supporting documentation should be sent to\*:

Home Office  
Firearms Section – Drugs and Firearms Licensing Unit  
5th Floor, Fry Building  
2 Marsham Street  
London  
SW1P 4DF

e-mail: [Firearms@homeoffice.gsi.gov.uk](mailto:Firearms@homeoffice.gsi.gov.uk)  
Telephone (Home Office switchboard): 0207 035 4848

\* Applications will be submitted online via the new firearms licensing database, however there is expected to be a small number that will continue to be submitted in the conventional way.

In Scotland, the Scottish Ministers are the responsible body. Applications are processed by the Scottish Government:

Scottish Government  
Safer Communities Directorate  
Police Powers Unit  
St Andrew's House  
Edinburgh  
EH1 3DG

e-mail: [Firearms\\_Enquiries@scotland.gsi.gov.uk](mailto:Firearms_Enquiries@scotland.gsi.gov.uk)  
Telephone: 0131 244 8525

- 3.28 References in the remainder of the guide to the Home Office should also be taken to mean the Scottish Government unless otherwise stated. Exemptions from the requirement to possess the Secretary of State's authority to possess prohibited items are set out in paragraphs 3.34 to 3.40.
- 3.29 Before a decision is made concerning a particular application for an authority, the chief officer of police in the area from which the application has been received will be asked if they have any objections to the grant of the authority. If an authority is granted, it will be sent to the applicant and copied to the chief officer. As a matter of policy, the Secretary of State will normally only grant authorities for those with a legitimate commercial need to possess prohibited weapons, rather than for private use or speculative business interest. The chief officer will be informed of any case in which an authority is refused or revoked.
- 3.30 The Secretary of State is responsible for granting authority, but will rely on information from, and the opinion of, the chief officer of police when reaching a decision. Prohibited weapons are subject to a more stringent control than other firearms and authority to possess or deal in such weapons is granted only if good reason is shown. The authority may restrict the holder to a particular category of prohibited weapon or prohibited ammunition and specify the range of transactions, which may be undertaken. Chief officers should report any circumstances that might justify revoking an authority to the Home Office or the Scottish Government.
- 3.31 When an application for renewal of an authority is received, the Home Office or the Scottish Government will again seek the views of the police. It is essential, therefore, that applications for renewal are made well in advance of the expiry date.
- 3.32 Prohibited weapons and ammunition are included in the definitions of 'firearm' and 'ammunition' in section 57 of the 1968 Act and are therefore subject to the restrictions applicable to other types of firearm and ammunition. No firearm certificate should be granted in respect of any weapon or ammunition to which section 5 of the 1968 Act applies, unless authority for its possession has been given by the Secretary of State or they are exempt. If any person applies for a certificate for a prohibited weapon or ammunition already in their possession where they are neither exempt nor able to produce the original, valid authority from the Secretary of State, the application should be refused and the individual required to surrender the weapon or ammunition immediately.
- 3.33 Where a person has been authorised by the Secretary of State to have possession of a prohibited weapon or prohibited ammunition, the chief officer of police has no discretion to refuse or to revoke the necessary firearm certificate in respect of the prohibited weapon or ammunition (section 31(1) of the 1968 Act). In the case of dealers authorised to manufacture, sell or transfer prohibited weapons, there is no discretion to refuse to enter their names in, or to remove them from, the register of dealers (sections 34(3) and 38(2) of the 1968 Act). When an authority is revoked, any firearm certificate relating to the weapon or ammunition in question must be revoked or varied accordingly (section 31(2) of the 1968 Act). The Secretary of State will consider revoking, or varying the conditions of, any authority if the chief officer thinks it necessary. If such a case should arise, a full report should be made to the Home Office or the Scottish Government as soon as possible.

- 3.34 Under section 12(2) of the 1968 Act (as amended) (a parallel provision to Section 12(1) of the 1968 Act), an authority to possess prohibited weapons issued to a theatrical or cinematograph film producer may authorise the possession of the weapons by such other persons as the producer may select to have possession thereof whilst taking part in the performance, rehearsal or production.
- 3.35 Section 5(4) of the 1968 Act provides that an authority shall contain conditions for the purpose of ensuring that the prohibited weapon or prohibited ammunition will not endanger the public safety or the peace. Conditions are stipulated by the Home Office or the Scottish Ministers (and these will vary in individual cases) although the opinion of the chief officer is also sought. Section 5(5) of the 1968 Act makes it an offence to fail to comply with any conditions subject to which an authority is granted. Under section 5(6) of the 1968 Act it is an offence, upon revocation, to fail to deliver up an authority to such person as may be specified in the notice within 21 days of the date of the notice of revocation.

## **Exemptions from the requirement to hold the Secretary of State's authority to possess prohibited items**

- 3.36 Under the terms of section 54 of the 1968 Act (as amended) persons in the service of Her Majesty acting in their capacity as such are exempt from the provisions of section 5 of the Act. For the purposes of the Act, persons deemed to be in the service of Her Majesty include members of a police force, civilian officers, members of any foreign force when serving with British forces, members of any approved cadet corps when engaged as members of the corps in drill, or in target practice on service premises, and persons providing instruction to members of a cadet corps.
- 3.37 Since the 1968 Act created section 5, it has been significantly amended by section 1 of the 1988 Act, regulation 3 of the Firearms Acts (Amendment) Regulations 1992 and sections 1, 9 and 52 of the 1997 Act, Schedule 3 of the 1997 Act, section 39 of the Anti-social Behaviour Act 2003 and the Anti-social Behaviour, Crime and Policing Act 2014. In addition, sections 2 to 7 of the 1997 Act provide for certain special exemptions from the prohibition of small firearms. It is therefore critical that all revisions are taken account of when dealing with section 5 issues.
- 3.38 Section 5A(1) of the 1968 Act refers to collectors and states that the authority of the Secretary of State is not required for a collector to possess, purchase, acquire, sell or transfer any of the firearms or ammunition listed in section 5(1A) provided they have a suitably conditioned, valid firearm certificate or permit. The weapons and ammunition listed under section 5(1A) are those in categories (x) to (xvi) above. Section 5A(3) allows collectors or their representatives from another Member State to possess, purchase or acquire (but not to sell or dispose of) weapons and ammunition controlled by section 5 (1A) if they are recognised by the law of that State as collectors or as a body concerned in the cultural or historical aspects of weapons.

- 3.39 Section 5A(4) of the 1968 Act (as amended by section 10 of the 1997 Act) states that authority is not required for shooters to possess etc. expanding ammunition or expanding bullets prohibited by sections 5(1A)(f) and (g) providing they have firearm certificates or visitors' permits authorising their use in connection with four specific activities. These activities are:
- i. the lawful shooting of deer;
  - ii. shooting of vermin or, in the course of estate management, other wildlife (for more information see chapter 13);
  - iii. the humane killing of animals; and
  - iv. the shooting of animals to protect other animals or people.
- 3.40 However, the use of the phrase "in connection with" means that it is acceptable for shooters to use expanding ammunition to zero their rifles with the ammunition they will be using in the field provided it is for one or more of the four activities listed above. These exemptions apply only to use in Great Britain, not overseas.
- 3.41 The possession of expanding ammunition for target shooting or any competition use is not allowed. Applicants wishing to possess expanding ammunition for any other purpose (for example, to zero a large calibre rifle for big game hunting abroad) should also be refused (see also paragraphs 3.22 and 3.23). There should be no prescribed limits set on the number of rounds of ammunition that can be expended during zeroing, although this will need to be compatible with these functions and consistent with the overall limits on possession.
- 3.42 Section 5A(5) of the 1968 Act allows licensed slaughtermen to have, without the authority of the Secretary of State or the Scottish Ministers, expanding ammunition for use in a slaughtering instrument, defined at section 57(4) of the 1968 Act as being a firearm specially designed or adapted for the instantaneous slaughter of animals or for the instantaneous stunning of animals with a view to slaughtering them. Section 10 of the 1968 Act allows licensed slaughtermen, without the need for a firearm certificate, to have a slaughtering instrument and ammunition for it in any slaughterhouse or knacker's yard in which they are employed. In addition, section 2 of the 1997 Act allows other people to possess a slaughtering instrument if they have a firearm certificate allowing possession of the weapon. This provision is meant to apply to those people such as vets, hunt servants and other suitably qualified individuals who could reasonably be expected in the course of their normal work to have to destroy sick or injured animals.

# Chapter 4: Expanding Ammunition

- 4.1 This Chapter sets out the definition of expanding ammunition and lists the various exemptions from the prohibition on its possession, purchasing, acquiring, selling and transferring.

## Definitions

- 4.2 Section 9 of the Firearms (Amendment) Act 1997 extends the prohibition on expanding pistol ammunition to cover all types of expanding ammunition. Thus section 5(1A)(f) of the Firearms Act 1968 now prohibits any ammunition which incorporates a missile designed or adapted to expand on impact. Section 5(1A)(g) prohibits the bullets for such ammunition (missiles, in the words of the Act).
- 4.3 The words 'designed or adapted' are important. Any bullet will deform on impact with a sufficiently hard surface, but only bullets, and ammunition containing bullets, which were designed or have been adapted to do so in a controlled manner are actually controlled by the legislation (see Chapter 3). If in doubt as to the design intention of a bullet, reference to the maker's design specification should be made. Frangible bullets do not fall under section 5(1A)(f) of the 1968 Act.

## Exemptions

- 4.4 Section 10 of the 1997 Act amended section 5A(4) of the 1968 Act, to exempt from the general prohibition of expanding ammunition people who use it for specific purposes. The exemptions cover those people who use expanding ammunition for the:
- i. lawful shooting of deer;
  - ii. shooting of vermin or, in the course of estate management, other wildlife (for more information see chapter 13);
  - iii. humane killing of animals; and
  - iv. shooting animals for the protection of other animals or humans.
- 4.5 Persons who wish to acquire expanding ammunition for any of these purposes must first satisfy the chief officer of police that they have a 'good reason' to possess a firearm for any of the above. Once this 'good reason' requirement has been satisfied, the shooter's firearm certificate or visitor's permit must be conditioned to include expanding ammunition and, for home loaders, the bullets for such ammunition. The condition should restrict the use of the bullets or ammunition to the precise purpose for which it is intended (see Chapter 3 and 4.7). These exemptions apply only to use in England, Wales and Scotland, as Northern Ireland has their own legislation.

- 4.6 Section 10(3) of the 1997 Act amended section 5A(7) of the 1968 Act to exempt dealers and their servants from the need for the authority of the Secretary of State or Scottish Ministers to possess, purchase, acquire, sell or transfer any expanding ammunition, or the missile for any ammunition, in the ordinary course of the business. Dealers may not possess any expanding ammunition for their private use unless they have a suitably conditioned firearm certificate.

## Other uses

- 4.7 Section 10(2)(b) of the 1997 Act amends section 5A(4)(b) of the 1968 Act so that the use of expanding ammunition is in connection with the various exempted purposes. This allows, for example, a deer stalker or vermin shooter to zero with their rifle on a range or other suitable land and to do sufficient training and testing with the expanding ammunition. It does not allow them to take part in target shooting or any competitions using expanding ammunition. For this reason, the quantity of expanding ammunition or bullets for such ammunition which any shooter is allowed to possess at any one time should be carefully controlled by the certificate (see also Chapter 3). Consideration should, however, be given to each shooter's individual circumstances, particularly where re-loaders are acquiring missiles or where the shooter is a professional deerstalker or pest controller.
- 4.8 The bulk purchase of ammunition for the purpose of economy is not acceptable as good reason for possession. Possession of 250 rounds for deer stalking, and possession of 750 rounds for vermin control should generally be regarded as reasonable (but see paragraph 4.7 and Chapter 13).

# Chapter 5: Restrictions on the Possession, Handling and Distribution of Firearms and Ammunition

- 5.1 This Chapter sets out some of the general requirements and prohibitions of the law on possession, purchase and acquisition of firearms and ammunition. It should be noted that additional information on many of these areas can be found in other parts of the guide.

## Definitions

- 5.2 Under sections 1 and 2 of the 1968 Act, it is an offence for a person “to have in their possession or to purchase or acquire” a firearm or ammunition to which section 1 applies or a shotgun (but not shotgun cartridges) without holding the appropriate certificate. The case law suggests that possession is an absolute offence. It is not a valid defence that the defendant does not know that a bag in their possession contains a firearm (R v Steele 1993) or that a supposedly antique firearm is subject to certification (R v Howells 1997). Possession may be constructive (that is, having free access to the firearms rather than physically possessing them) (Sullivan v Earl of Caithness 1976).
- 5.3 In some (very restricted) circumstances certain categories of people may be authorised by the Act to “have in their possession” firearms and/or ammunition without a certificate, but not to purchase or acquire. Such people might include licensed slaughterers, a person taking part in theatrical, television or film productions, warehouse operatives or carriers (see Chapter 6) and those authorised under section 7 of the Firearms Act 1968. See also Chapter 6, paragraph 6.13 and Chapter 25, paragraph 25.9, about firearms that may have been found amongst the property of somebody who has died. Chapter 6 also includes details of other exemptions from the need to have a certificate, including the use of borrowed rifles on private premises, as does Chapter 18 on clubs. See also chapters 15 and 27.
- 5.4 The word “sell” is often used throughout the Act in conjunction with the word “transfer”. Transfer is defined in section 57(4) of the 1968 Act as including letting on hire, giving, lending and parting with possession.

## General prohibitions

- 5.5 Persons prohibited under section 21 of the 1968 Act (see paragraph’s 12.10 – 12.20 for its terms) may not possess any firearms or ammunition, not just those for which a certificate is required. Thus the prohibition extends to all air weapons, air gun pellets and shotgun ammunition. It should also be noted that:
- (a) The prohibition applies to persons sentenced in all parts of the United Kingdom, including those sentenced in Northern Ireland. Section 29 of the Criminal Justice Act 1972 amended section 21 of the 1968 Act. In its unamended form, section 21 applied the prohibition only to those sentenced in England, Wales and Scotland; the amendment in section 29 of the Criminal Justice Act 1972 made the similar prohibition on possessing firearms and ammunition in Northern Ireland (previously section 19 of the Firearms Act (Northern Ireland) 1969, now Article 63 of the Firearms (Northern Ireland) Order 2004) effective in England, Wales and Scotland.

(b) The prohibition includes detention in a young offenders institution, or in youth custody. Paragraph 24 of Schedule 14 to the Criminal Justice Act 1982 added the words “or to youth custody for such a term” to subsections (1) (after “three years or more”) and (2) (after “less than three years”) of section 21 of the 1968 Act. Paragraph 6 of Schedule 8 to the Criminal Justice Act 1988 amended section 21(1) and (2) of the 1968 Act by inserting “or detention in a young offenders institution” after “youth custody”.

5.6 The courts have taken the view that a suspended sentence (a disposal not applicable to Scotland) does not attract the prohibition imposed by section 21 of the 1968 Act unless the sentence is ordered to take effect (however this will change on 14 July 2014 - see paragraphs 5.8 and 5.9). Under Section 189 of the Criminal Justice Act 2003, as amended by section 68 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, a suspended sentence is a “sentence of imprisonment” for the purpose of other provisions in the 1968 Act. The difficulty of so construing section 21 arises because subsection (2) uses the word “release” and so presupposes that the offender to whom the section applies is one who has been detained under sentence. Convictions overseas and periods of detention under the Mental Health Act or the Mental Health (Care and Treatment) Scotland Act 2003 do not count towards prohibition, although they might be relevant to fitness and public safety.

5.7 A court in England and Wales that imposes a suspended sentence may order the forfeiture of a firearm or cancel a firearm or shotgun certificate. Even if a court does not make such an order, chief officers of police have the power to revoke a firearm or shotgun certificate in certain circumstances. Particular attention should be taken of incidents of domestic abuse and patterns of behaviour which involve the applicant or when they are satisfied, in the case of a section 1 firearm, that the holder is of intemperate habits or unsound mind, or is otherwise unfit to be entrusted with a firearm or can no longer be permitted to have the firearm or ammunition without danger to the public safety or to the peace. The fact that an order has been made under section 52 of the 1968 Act in respect of the applicant (notwithstanding that only a suspended sentence was passed) might also be regarded by chief officers as giving them reason to believe that the applicant is unfit to be entrusted or to possess a firearm or shotgun without danger to the public safety or to the peace.

5.8 From **14 July 2014** suspended sentences will attract the prohibition imposed by section 21 of the 1968 Act. Section 110 of the Anti-social Behaviour Crime and Policing Act 2014 extends the definition of a prohibited person to include persons with suspended sentences of three months or more.

The period of prohibition of five years begins on the second day after the date on which sentence has been passed so that a person who is in possession of a firearm or ammunition is not in immediate breach of the law when the sentence is passed. This timescale therefore provides an opportunity for a person to make arrangements to transfer or dispose of their firearm or ammunition.

A person who received a suspended sentence before 14 July and already has a firearm certificate will be able to retain the firearm for the duration of their certificate.

5.9 From 14 July 2014 persons prohibited from possessing firearms under section 21 (including those with suspended sentences) will also be unable to possess antique firearms (see chapter 8).

- 5.10 A person who has served a custodial sentence is informed of the provisions of section 21 of the 1968 Act on release. Section 21(6) of the 1968 Act enables a person who is prohibited by the provisions of the section to apply to the Crown Court (or the Sheriff in Scotland) in accordance with the provisions of Schedule 3 to the 1968 Act for the removal of the prohibition. This is usually done where the offence has not involved violence or firearms. Nevertheless, the removal of the prohibition can be opposed by the police and courts have ruled that possession of a firearm certificate presupposed an element of trust (*Gordon v Northampton Crown Court 1999*).
- 5.11 Under section 25 of the 1968 Act it is an offence for a person to sell or transfer a firearm or ammunition to, or to repair, prove or test any firearm or ammunition for another person whom they know, or have reasonable cause to believe, to be drunk or of unsound mind.
- 5.12 Restrictions on the possession, purchase and acquisition of firearms and ammunition by young people and on the sale and transfer to them are dealt with separately in Chapter 7.

## Firearms and ammunition for which a certificate is required

- 5.13 Any person wishing to possess, purchase or acquire any firearm or ammunition must hold a valid firearm or shotgun certificate (as appropriate) unless exempt under sections 7 to 13, 15, 54 or 58(1) of the 1968 Act or sections 15 to 19 of the 1988 Act, except:
- a) an air weapon or a weapon powered by compressed carbon dioxide (not of a type declared by the Secretary of State under the Dangerous Air Weapons Rules 1969 (as amended) to be specially dangerous);
  - b) ammunition for air weapons;
  - c) cartridges containing five or more shot, none of which exceeds .36 inches in diameter (the exemption does not extend to the purchase of such ammunition);
  - d) blank cartridges not more than one inch in diameter.
- 5.14 Section 5 of the 1988 Act prohibits the sale of ammunition for a shotgun or smooth-bore gun, and for which a firearm certificate is not required, to a person who is neither a registered firearms dealer nor a person who sells such ammunition by way of trade or business unless that person:
- a) produces a shotgun certificate or a firearm certificate (the original, not a photocopy) authorising them to possess a smooth-bore gun;
  - b) shows that they are entitled to possess a shotgun or smooth-bore gun without holding a certificate; or
  - c) produces a certificate (the original, not a photocopy) of some other person together with a written authority from the holder of the certificate to purchase the ammunition on their behalf.

This section only applies to ammunition not subject to control under section 1 of the 1968 Act. There is no requirement for a vendor of shotgun cartridges to be registered as a firearms dealer.

- 5.15 Unless exempt, a special authority from the Secretary of State or the Scottish Ministers is needed in addition to a firearm certificate for the possession of a prohibited weapon or prohibited ammunition (see Chapter 3).

## Primers

- 5.16 The Violent Crime Reduction Act 2006 introduced controls on the purchase and sale of cap-type primers designed for use in metallic ammunition for a firearm, including empty cartridge cases incorporating such a primer. Section 35 of the 2006 Act makes it an offence to sell these items unless the purchaser:
- a) is a registered dealer;
  - b) sells by way of any trade or business either primers or empty cartridge cases incorporating primers;
  - c) produces a certificate (i.e. the original, not a photocopy) authorising them to possess a firearm of a relevant kind (i.e. a firearm other than a shotgun, an air weapon or a firearm chambered for rim-fire ammunition) or ammunition for such a firearm;
  - d) is a duly authorised Crown servant;
  - e) shows that they are entitled in law to possess a firearm or ammunition of a relevant kind without a certificate;
  - f) produces a certificate (the original, not a photocopy) authorising another person to possess such a firearm, or such ammunition, together with that other person's authority to purchase primers on their behalf; or
  - g) shows that they are authorised by regulations to purchase primers. To date no such regulations have been made.

Section 35 also makes it an offence to buy, or attempt to buy, primers unless the purchaser meets the same criteria.

The definitions used in section 35 mean that the offences do not apply to the purchase or sale of blank ammunition, shotgun primers or to percussion caps for muzzle-loading firearms.

## Business and other transactions

- 5.17 A person commits an offence, if by way of trade or business that person is engaged in the manufacture, sale or transfer of shotguns or firearms or ammunition to which section 1 of the 1968 Act applies and is not registered as a firearms dealer. This requirement extends to persons who repair, test or prove such firearms or ammunition. A person also commits an offence if they expose for sale or transfer or have in their possession for sale, transfer, repair, test, or proof any such firearm or ammunition, or a shotgun.

In relation to air weapons; a person commits an offence if, by way of trade or business, they sell or transfer, expose for sale or transfer; or possess for sale or transfer air weapons without being registered as a firearms dealer (see Chapter 16).

5.18 Persons who dispose of firearms or ammunition otherwise than by way of trade and business need not register, but all persons, including dealers, must observe the provisions of the Act regarding:

- a) persons to whom firearms and ammunition may be sold or transferred (section 3(2) of the 1968 Act and section 5(2) of the 1988 Act) namely;
  - 1) a person producing a firearm certificate authorising them to acquire that firearm or section 1 ammunition;
  - 2) a registered firearms dealer;
  - 3) in the case of a shotgun, a person with a current shotgun certificate or a firearm certificate holder who possesses a section 1 shotgun;
  - 4) in the case of section 2 (shotgun) ammunition, someone who produces another person's valid shotgun certificate, together with written authority from the certificate holder to allow them to purchase or acquire the ammunition;
  - 5) someone who shows that by virtue of the Act they are entitled to purchase or acquire the firearm or ammunition without a certificate.
- b) instructions in firearm and shotgun certificates and notification to the chief officer of police of the sale etc. of a firearm or shotgun to a person who is neither a firearms dealer nor otherwise exempt from holding a certificate (section 32(2)(b), 33(2) and (3) of the 1997 Act).

Though not a statutory requirement, it is desirable that police forces should also comply with these requirements if they transfer a firearm or shotgun to a certificate holder from another force area, completing Table 1 on a firearm certificate and/or Table 2 on a shotgun certificate.

5.19 Section 33 of the 1997 Act requires that, within seven days of the transaction, the transferor and transferee must send, electronically (for example, by e-mail or fax) or by recorded or special delivery, notification to the chief officers of police who issued their own certificates. The transferor is the person who originally possessed the gun, and the transferee is the recipient (and it is the transferor who must write the details of the gun and its transfer onto the certificate of the transferee). The notice of the transaction must contain a description of the firearm or shotgun (including any identification number), state the nature of the transaction and give the name and address of the other person concerned. A firearm or shotgun placed with a registered firearms dealer or auctioneer for sale or return is not regarded as a transfer. Notification is only required once the transfer is complete when all three parties notify the police. As the transferor may not know the name of the ultimate transferee, it is sufficient for the transferor only to notify the police of disposal to the dealer or auctioneer.

5.20 Section 34 of the 1997 Act requires that, on the de-activation, destruction or loss of any firearm to which a firearm or shotgun certificate or a visitor's firearm or shotgun permit relates, the chief officer of police who granted the certificate or permit must be notified within seven days of the event. The notification must be sent electronically (for example, by e-mail or fax) or by recorded or special delivery and must describe the firearm in question (including any identification number) and the nature of the event. Similarly, if any ammunition to which section 1 of the 1968 Act applies and a firearm certificate or visitor's permit relates is lost (whether by theft or otherwise), the chief officer who granted the

certificate or permit must be notified within seven days by recorded or special delivery. The actual methods of destruction of firearms are not covered by legislation but to provide adequate safeguards it is generally more appropriate for certificate holders to surrender it either to a registered firearms dealer or to the police rather than to destroy it themselves (see Chapter 25 for further information).

- 5.21 Section 35 of the 1997 Act requires that if a firearm or shotgun is sold or otherwise disposed of outside Great Britain by a person whose acquisition or purchase of the firearm or shotgun was authorised by a firearm certificate or shotgun certificate, the person holding the certificate must notify the chief officer of police within fourteen days by electronic notification (for example, by e-mail or fax) or recorded or special delivery, or, if they are abroad, by the nearest available equivalent. The notification must contain a description of the firearm or shotgun (including any identification number) and the name and address of the person to whom the gun was sold or disposed of.
- 5.22 Section 35 of the 1997 Act requires that if a firearm to which a firearm or shotgun certificate relates is de-activated, destroyed or lost (whether by theft or otherwise) or if any ammunition to which section 1 of the 1968 Act applies is lost outside Great Britain, the chief officer of police who issued the certificate must be notified within fourteen days. The notice must contain the same information as the notice of sale or disposal and be sent electronically (for example, by e-mail or fax) or by recorded or special delivery.
- 5.23 A firearms dealer is also required to send a notification of a transaction involving a visitor under section 18(1) of the 1988 Act to the chief officer of police for the area in which they are registered. The notice must be sent within forty-eight hours of the transaction, electronically (for example, by e-mail or fax) or by recorded or special delivery, and contain all the particulars entered in the register of transactions including the details of the purchaser's passport, if any.
- 5.24 Section 8(2)(a) of the 1968 Act also provides specifically that it is not an offence to part with possession, otherwise than by sale, hire, gift or loan, to a person who is entitled to possess the firearm or ammunition without a certificate.
- 5.25 Further exemptions from the need to produce a certificate are made for persons collecting a shotgun from a dealer who has had it for repair, test or proof (section 8(2)(b) of the 1968 Act). It would be good practice for the dealer and persons to whom carriers or warehousemen or their servants are delivering a firearm or ammunition in the ordinary course of business to ask to see a certificate (section 9(4) of the 1968 Act) or proof that the person collecting the shotgun is entitled to possess it without a certificate.

## Pawnbrokers

- 5.26 Whilst section 3(6) of the 1968 Act prohibits pawnbrokers from taking in pawn any firearm or ammunition to which section 1 of the 1968 Act applies, or any shotgun, a pawnbroker is not debarred from registration as a firearms dealer. In these circumstances, the police will wish to consider an application under the same terms as any other dealer.

## Sales of firearms unproven or out of proof

- 5.27 The provisions of the Gun Barrel Proof Acts are explained in Chapter 24.

## Records of transactions

- 5.28 Persons who by way of trade or business manufacture, sell or transfer firearms or ammunition to which section 1 of the 1968 Act applies, shotguns, or air weapons, are required by section 40 of the 1968 Act to keep a register of transactions and to enter in it the particulars specified in Schedule 4 to the 1968 Act, as amended by the Firearms (Amendment) Rules 2007. The Act does not specifically require a registered dealer to be satisfied before purchasing a firearm to which section 1 applies, or a shotgun, that the vendor is in possession of a certificate for that firearm, but the dealer is required to record the transaction in the register.
- 5.29 It is good practice for Firearms Dealers to notify their local police where they take in firearms, including shotguns, which are not held lawfully on a firearm or shotgun certificate. This will enable the police to make checks to ensure they are not recorded as lost or stolen.
- 5.30 Section 18(1) of the 1988 Act allows a visitor who has not been in Great Britain for more than thirty days in the preceding twelve months to purchase a firearm from a firearms dealer for the purpose only of it being exported without first coming into their possession without the need for a certificate. A firearms dealer is required to record the transaction in their register together with the number and place of issue of any passport in the purchaser's possession. A passport will normally provide evidence for a firearms dealer that a visitor satisfies the thirty day criterion. Section 40(7) of the 1968 Act empowers the Secretary of State to make rules varying or adding to Schedule 4 of the 1968 Act. Such changes were made by Rule 10(5) of the Firearms Rules 1998 and by the Firearms (Amendment) Rules 2007.
- 5.31 Section 38(8) of the 1968 Act provides for the surrender of a dealer's register (or, if the register is kept electronically, a visible and legible copy of the information) and certificate of registration if their name is removed from the register of firearms dealers. It is an offence for the dealer not to comply within twenty-one days of a notice in writing requiring them to surrender the register.

## Inspection of dealers' records

- 5.32 Persons who by way of trade or business manufacture, sell or transfer firearms or ammunition to which section 1 of the 1968 Act applies, shotguns, or air weapons, are required by section 40(4) of the 1968 Act to allow any police officer (including civilian officers) duly authorised in writing by the chief officer of police to enter their premises and inspect all stock in hand and the register of transactions. In all cases, the inspecting officer must produce such written authority on demand. Form 122 is a convenient form of authorisation for this purpose. Under section 40(3A) of the 1968 Act, dealers are required to keep their register of transactions so that entries made in the register are available for inspection for a period of at least five years. If the register is kept on computer, dealers must ensure that a copy of the information contained therein can be produced in a visible and legible form which can be taken away by the inspecting officer. The register should include firearms taken in for repair or storage, although these are not regarded as transfers and consequently notification to the police is not required.
- 5.33 Section 41 of the 1968 Act enables chief officers of police, at their discretion, to exempt from all or any of the provisions about keeping records persons who manufacture, test or repair components for manufacturers of shotguns but do not handle complete shotguns. Chief officers should satisfy themselves as to the facts in each case, including the type of work carried on and the extent of the danger that each situation presents as a possible source of firearms for criminals. Each case should be reviewed at regular intervals.

# Chapter 6: Exemptions from the requirement to hold a certificate

- 6.1 The exemptions in the Acts apply to a particular category of person and exempt them so far as firearms are held, purchased or acquired for some particular and specified purpose. The exemptions may be divided into two groups; those that concern possession and purchase and acquisition, and those that concern only possession. The exemptions are dealt with in this way in the following two sections of this chapter.

## Possession and purchase or acquisition of any type of firearm or ammunition without a certificate

### Firearms dealers and their servants

- 6.2 The exemption in section 8(1) of the 1968 Act covers possession, purchase and acquisition in the ordinary course of the dealer's business. It extends to dealers and their servants. There is no legal definition of a "servant", but it should be noted that a letter of authority does not automatically make someone a "servant" for these purposes. An employee of the dealer working for a firearms-related business would be a "servant," but it is not the case that anyone whose services the dealer uses on any occasion will necessarily be a servant e.g. a self-employed outworker (such as an engraver). In these circumstances the outworker would be required to register as a firearms dealer. The possession of the firearms and ammunition by a servant may only be for the ordinary business of the dealer as directed by the RFD holder.
- 6.3 A registered firearms dealer must have a firearm certificate or shotgun certificate as appropriate for any gun they possess for uses unconnected with their dealership. Under section 3(3) of the 1968 Act, a person is prohibited from undertaking the repair, test or proof of a firearm or ammunition to which section 1 of the 1968 Act applies, or a shotgun, unless the person seeking the repair or other work produces a certificate authorising their possession of the firearm or ammunition, or alternatively shows that they are entitled to have it without a certificate.

### Miniature rifle ranges

- 6.4 Under section 11(4) of the 1968 Act, a person conducting or carrying on a miniature rifle range (whether for a rifle club or otherwise), or shooting gallery at which only miniature rifles and ammunition not exceeding .23 inch calibre or air weapons not declared by the Secretary of State to be specially dangerous are used, may, without holding a firearm certificate, purchase, acquire or have in their possession such miniature rifles and ammunition. Persons using the range are exempt from holding a firearm certificate in respect only of the use of such miniature rifles and ammunition at the range or gallery.
- 6.5 Any further exemption in the case of a club can only be secured by obtaining approval from the Secretary of State (see chapter 18). It should be noted that "Exemption Certificates" issued by the Showman's Guild or the National Small-bore Rifle Association have no legal force but can be considered proof that somebody was operating a miniature rifle range or

shooting gallery. There is however no obligation on the operator of the range or gallery to produce any form of documentation, and the police would only be justified in taking action against such an operator where they are not meeting the terms of section 11(4).

## Persons in the service of the Crown and police

- 6.6 Section 54 of the 1968 Act is a general provision relating to all Crown servants and to persons who are members of a police force or civilian officers (police staff employed by, or under the direction and control of, a chief officer of police). The Anti-social Behaviour, Crime and Policing Act 2014 gives the British Transport Police the same general provisions as specified within section 54 of the 1968 Act.
- 6.7 The effect of the section is that Crown servants, and police officers and staff who possess firearms and ammunition in their official capacity do not require firearm certificates or authority of the Secretary of State to possess prohibited weapons. In addition, Customs Officers do not require written authority to detain, seize or otherwise possess firearms they encounter in carrying out their official duties. This is because statute law does not bind the Crown or its servants unless specifically stated in the Act of Parliament concerned. Thus soldiers would be exempt if they possess a service firearm in, or for the purpose of, the performance of their duty, but not if they possess other firearms for other purposes, for example if they possess a rifle or shotgun for their own private purposes.
- 6.8 In general, Crown servants who are required to possess firearms and ammunition in the performance of their official duties are supplied with the weapons and ammunition by the departments they serve. Accordingly, the section does not empower Crown servants to purchase or acquire firearms or ammunition to which section 1 of the 1968 Act applies, or shotguns, without a certificate, except as provided in subsection 2(a) of section 54 of the 1968 Act. This provision enables a person in the service of Her Majesty who has written authority from a senior officer, to purchase or acquire firearms and ammunition for the public service without holding a certificate and is intended to cover the necessary purchases by government departments such as the contract branches of the Ministry of Defence.
- 6.9 There may also be cases in which a department may issue an authority under the subsection to enable emergency purchases to be made by its officers for their use in the public service (see chapter 20 on the grant of free certificates to persons in the armed services to authorise purchase). Forestry Commission employees are Crown servants and those concerned with wildlife management operate under the general provision of section 54 of the 1968 Act. Copies of their policy on who is authorised to hold firearms and ammunition are available to chief officers of police from the Forestry Commission (for England and Scotland) and Natural Resources Wales.
- 6.10 The question of whether a firearm, in the possession of a Crown servant, is in their possession in their capacity as such can be authoritatively determined only by a court, but when in doubt the department or the commanding officer of the person concerned should be consulted before proceedings are instituted; otherwise the facts should be reported to the department or the commanding officer in order that the need for disciplinary action may be considered.
- 6.11 Members of the reserve forces may, in certain circumstances, be persons in the service of Her Majesty who are entitled to possess firearms and ammunition in their capacity as such and are therefore Crown servants for the purposes of section 54 of the 1968 Act. Whether or not such personnel are entitled to exemption from section 1 of the 1968 Act will depend

on such matters as whether they have been called out for service and the terms under which they undertake service. If any person claims that on this basis they are entitled to possess a firearm or ammunition without a firearm certificate the department or the commanding officer of the person concerned should be consulted before proceedings are instituted. However, if such a person wishes to acquire a firearm or ammunition for private use, they should obtain a firearm certificate for the purpose, in which case the appropriate fee would be payable.

## Visiting Forces

- 6.12 The Visiting Forces and International Headquarters (Application of Law) Order 1999 (SI 1999/1736), made under section 8 of the Visiting Forces Act 1952, extends to visiting NATO and Commonwealth forces the exemptions covering Her Majesty's forces. Furthermore, members of any foreign force when they are serving with any of Her Majesty's forces are regarded as Crown servants for the purposes of section 54 of the 1968 Act.

## Cadet Corps

- 6.13 Members of cadet corps and their instructors are regarded as Crown servants in certain circumstances (see chapter 18).

## Museums

- 6.14 Section 19 of the 1988 Act provides for the exemption of certain museums from the provisions of the 1968 Act if they hold a museum firearms licence (see chapter 17).

## Visitors to Great Britain

- 6.15 The 1968 Act (as amended) provides for visitors to Great Britain to have in their possession, or purchase or acquire a firearm or ammunition under certain conditions without a firearm or shotgun certificate. Visitors' permits are dealt with in chapter 27 but in summary, they allow a visitor to have possession of a firearm or shotgun and to purchase or acquire ammunition and shotguns in Great Britain. Under section 18(1) of the 1988 Act a person who has not been in Great Britain for more than thirty days in the preceding twelve months may purchase a firearm from a registered firearms dealer for export, without holding a firearm or shotgun certificate or visitor's permit. The exemption does not extend to the actual possession of the firearm and the dealer must arrange for the export of the weapon without it first coming into the purchaser's possession. The thirty days limit is an aggregate and does not have to be continuous. The purchase of a firearm for export without a certificate from a person other than a registered firearms dealer is not permitted.
- 6.16 A firearm certificate granted in Northern Ireland is, by virtue of the definition of a firearm certificate in section 57(4), a firearm certificate for the purposes of the 1968 Act. Firearm certificates issued in Northern Ireland therefore have validity within Great Britain, conferring on individuals in possession of one the same entitlements and obligations that come with a certificate issued in England, Wales or Scotland. Visitors with Northern Ireland firearm certificates must comply with British firearms law, in particular they must have permission from the Secretary of State or the Scottish Ministers if they wish to bring a small firearm (handgun) into the country. (These may still be possessed on a firearm certificate in Northern Ireland.)

# Possession only of any type of firearm or ammunition without a certificate

## Permits authorising possession

- 6.17 Section 7 of the 1968 Act enables a chief officer of police to issue to a person a permit authorising them to possess a firearm or ammunition to which section 1 of the 1968 Act applies, or a shotgun, in any special case where it may not be necessary or desirable to issue a certificate. For example, a permit should in normal circumstances be issued to authorise the temporary possession by a relative or the executor of a deceased person, or the receiver of a bankrupt's estate, of firearms or ammunition forming part of the property of the deceased person or bankrupt. A permit may not be issued to authorise the purchase or acquisition of firearms or ammunition (but see section 5(1) of the 1988 Act and chapter 15). If it does not specify possession only, it will be assumed by default that the permit allows use. A permit should be issued if a certificate holder's firearm certificate or shotgun certificate has expired and they have made reasonable efforts to renew in good time.

## Shotguns

- 6.18 Section 11(5) of the 1968 Act allows an individual, without holding a shotgun certificate, to borrow a shotgun from the occupier of private premises and use it on those premises in the occupier's presence. Section 11(5) was amended by SI 2010/1759, to add that where the borrower is under eighteen, the exemption only applies if the occupier is eighteen or over. The presence of the occupier is normally taken to mean within sight or earshot of the individual borrowing the shotgun. The term "occupier" is not defined in the Firearms Acts, nor has a court clarified its meaning. However, the Firearms Consultative Committee in their 5th Annual report recommended that the provisions of section 27 of the Wildlife and Countryside Act 1981 be adopted. This states that "occupier" in relation to any land, other than the foreshore, includes any person having any right of hunting, shooting, fishing or taking game or fish.

The foreshore is land, however it is predominately Crown or Duchy owned but some, for example, is owned or leased by private individuals, local authorities or other groups. The Section 11(5) exemption may only be utilised on foreshore in England and Wales where the lender is an owner/occupier/lease holder who maintains the shooting rights. In the case of a Crown lease, the lease must allow the use of shotguns and will usually only permit the activity of wildfowling. Definitions of foreshore can be found in chapter 14.

- 6.19 In the absence of any firm definition for firearms purposes, it is suggested that this definition of "occupier" should be used. On some occasions though, where the status of a certificate holder acting as an occupier is an issue, the chief officer may need to consider seeking the advice of counsel. Section 57(4) provides that "premises" shall include any land. The borrower may be of any age but an offence may be committed under section 22(3) if a minor under the age of 15 is not supervised by a person over 21 years of age.
- 6.20 Similarly, section 11(6) of the 1968 Act allows an individual, without holding a shotgun certificate, to use a shotgun at a time and place approved for shooting at artificial targets (i.e. a temporary clay pigeon shoot) by the chief officer of police for the area in which that place is situated. There is no requirement for organisers of such events to become registered firearms dealers. As the approval of such time and place is prescribed by law, chief officers may wish not only to satisfy themselves that such events are properly

conducted and supervised, but also to establish that there are no public safety issues involved. When an exemption is granted, the chief officer should advise the organiser that they are responsible for ensuring, so far as is practicable, that adequate precautions are taken for the safety of the participants and any spectators. Shoots at which participants hold certificates do not require an exemption under section 11(6). Organisers operating in conjunction with business, such as corporate entertainment, will have additional responsibilities under the Health and Safety at Work Act 1974.

## Borrowed rifles on private premises

- 6.21 Section 16(1) of the 1988 Act enables a person over the age of seventeen to borrow a rifle from the occupier of private premises and to use it on those premises in the presence of either the occupier or their servant without holding a firearm certificate in respect of that rifle. It should be noted that this gives slightly more flexibility in the use of a borrowed rifle than is permissible with the use of a shotgun as described in paragraph 6.18, in that the borrowed rifle can also be used in the presence of the servant of the occupier.
- 6.22 The occupier and/or their servant must hold a firearm certificate in respect of the firearm being used, and the borrower, who must be accompanied by the certificate holder (whether it is the occupier or their servant), must comply with the conditions of the certificate. These may include a safekeeping requirement and, in some cases, territorial restrictions. It is also a requirement where the borrower is seventeen that the occupier or servant is eighteen or over – this was inserted by SI 2010/1759. Section 57(4) of the 1968 Act defines “premises” as including any land. The effect of the provision is to allow a person visiting a private land to borrow and use a rifle without a certificate. The exemption does not extend to persons under the age of seventeen or to other types of firearm. There is no notification required on the loan of a firearm under these circumstances. A borrowed rifle should not be specifically identified as such on a “keeper’s” or “landowner’s” firearm certificate. The term “in the presence of” is not defined in law but is generally interpreted as being within sight or earshot.
- 6.23 Section 16(2) of the 1988 Act provides for a person borrowing a rifle in accordance with section 16(1) of the 1988 Act to purchase or acquire ammunition for use in the rifle, and to have it in their possession during the period for which the rifle is borrowed, without holding a certificate. The borrower’s possession of the ammunition must comply with the conditions on the certificate of the person in whose presence they are and the amount of ammunition borrowed must not exceed that which the certificate holder is authorised to have in their possession at that time. It should be noted that the borrower may only take possession of the ammunition during the period of the loan of the rifle at which time they will be in the presence of the certificate holder. If the persons selling or handing over the ammunition are not certificate holders, it may be necessary for them to see the certificate to satisfy themselves that the terms of this section have been met and that the amount of ammunition the borrower wishes to acquire is no greater than that which the certificate holder is authorised to possess. The details of the transaction need not be recorded on the certificate.
- 6.24 Section 16A of the 1988 Act allows a person to possess firearms and ammunition on service premises without holding a certificate or an authority from the Secretary of State or the Scottish Ministers provided they are under the supervision of a member of the armed forces. This was intended to apply to “Open Days” on military premises, military training areas and similar occasions, and does not allow civilians to handle firearms away from service premises, even under supervision. Section 16B of the 1988 Act allows a person who is being trained or assessed in the use of firearms under the supervision of a

member of the Ministry of Defence Police may, without holding a certificate or obtaining the authority of the Secretary of State under section 5 of the principal Act, have in his possession a firearm and ammunition on relevant premises for the purposes of the training or assessment.

## Auctioneers, carriers, warehousemen and their servants

- 6.25 The exemption in section 9(1) of the 1968 Act is limited to possession in the ordinary course of the business of the auctioneer, carrier or warehouseman. However, to sell firearms and ammunition by auction, expose for sale by auction or have in their possession for sale by auction, an auctioneer still requires a permit issued by the chief officer of police for the area in which the auction is to be held. When auctioneers are selling firearms or shotguns, or ammunition for either, they should ensure that the persons purchasing the items either have the relevant certificate or permit, or are able to show that they are exempt from the requirement for such a certificate (see chapter 5).
- 6.26 Section 14 of the 1988 Act requires that an auctioneer, carrier or warehouseman takes reasonable precautions for the safe custody of the firearms or ammunition in their or their servants' possession in the course of their business. The loss or theft of any such firearm or ammunition must also be reported to the police immediately. Section 2 shotgun ammunition is outside the scope of this provision because its possession is not subject to certificate control. Failure to adhere to the requirements in section 14 is a criminal offence carrying a maximum of 6 months imprisonment or a level 5 fine.
- 6.27 It is considered that section 9(1) of the 1968 Act does not exempt auctioneers, carriers or warehousemen from the requirement to have a section 5 authority in respect of any prohibited weapon or prohibited ammunition which they may possess, whether in the ordinary course of business or otherwise. This is because, in section 57(4) of the 1968 Act, the word "certificate" is defined as meaning a "firearm certificate" or a "shotgun certificate". It is therefore considered that the reference to a "certificate" in section 9(1) of the 1968 Act does not also include an authority granted under section 5 of the 1968 Act.
- 6.28 It is the Secretary of State's view therefore, that for auctioneers, carriers or warehousemen to take possession of any prohibited weapons or ammunition in Great Britain they must first have an authority granted by the Secretary of State or Scottish Ministers under the provisions of section 5 of the 1968 Act. It should be noted that "possession" relates not only to physical possession and that a person exercising direction and control over prohibited items might also be said to be in possession of them (see chapter 3 for details of the procedure for seeking the Secretary of State or the Scottish Ministers' authority).

## Auctioneers' permits

- 6.29 Section 9(2) of the 1968 Act provides that auctioneers may, without being registered as firearms dealers, sell by auction, expose for sale by auction, or have in their possession for sale by auction, firearms or ammunition to which section 1 of the 1968 Act applies, or shotguns, if they have obtained from the chief officer of police of the area in which the auction is held, a permit in the prescribed form. Auctioneers who deal regularly in firearms may wish to register as firearms dealers. It is the duty of auctioneers to satisfy themselves, by requiring the production of certificates or other authorities, that the purchasers of the firearms or ammunition are lawfully entitled to possess them.

- 6.30 Following the amendment to section 3(1)(c) of the Firearms Act 1968 by section 31 of the Violent Crime Reduction Act 2006, auctioneers may sell air weapons provided they are a registered firearms dealer or have an auctioneer's permit, and comply with its terms.
- 6.31 By virtue of section 33 of the Firearms (Amendment) Act 1997, which requires the notification of transfers involving firearms, an auctioneer is required to inform the chief officer forthwith of the name and address of any person other than a registered firearms dealer, purchasing or acquiring any firearm or ammunition to which the permit refers. Firearms licensing departments may wish to consider granting an auctioneer's permit not just for the day of the sale but for a period both before and after the sale. This would allow the auctioneer to collect the firearms and/or shotguns and, for an appropriate period after the sale, to allow for unsold firearms/shotguns to be returned or otherwise disposed of.

## Slaughtering instruments and ammunition

- 6.32 The Slaughterhouses Act 1974 was repealed by SI 1995/731. Licensed slaughterers are now subject to the provisions of The Welfare of Animals (slaughter or killing) Regulations 1995 and the Welfare of Animals at the Time of Killing (Scotland) Regulations 2012 to possess slaughtering instruments and ammunition for them without a certificate in any slaughterhouse or knacker's yard in which they are employed (section 10(1) of the 1968 Act). The proprietor of a slaughterhouse or knacker's yard may, without holding a certificate, possess a slaughtering instrument and ammunition and must store them in safe custody at that slaughterhouse or knacker's yard. This applies equally to a person appointed by the proprietor to take charge of slaughtering instruments and ammunition for them for that purpose (section 10(2) of the 1968 Act). Except in these circumstances, possession of a slaughtering instrument away from the slaughterhouse or knacker's yard will require a firearm certificate. Section 10(1) of the 1968 Act was amended by SI 2014/2124 to introduce The Welfare of Animals at the Time of Killing (Wales) Regulations 2014. Regulation 5 does not permit purchase or acquisition of a slaughtering instrument or ammunition for it without a certificate (but see chapter 20 on the grant of free certificates).
- 6.33 Butchers may sometimes find it necessary to hire or borrow a slaughtering instrument for the purpose of their business, for example when their own slaughtering instruments need repair. If they have to apply on each occasion for a variation on their firearm certificates to authorise the temporary acquisition of an additional instrument, there may be delay and inconvenience. The necessity for variations may, however, be obviated if the certificate contains an entry authorising the acquisition of an additional instrument by hiring or borrowing whenever the (authorised) instrument which the holder normally uses is not, for whatever reason, available for use. Such an entry may be made in that part of the certificate authorising purchase or acquisition when it is granted or, subsequently, by way of variation.
- 6.34 It is suggested that this course should be adopted in any case in which butchers or other people who hold, or are entitled to hold, a free certificate under section 32(3)(c) of the 1968 Act satisfy the chief officer of police that they may need to occasionally hire or borrow an additional instrument to enable them to carry on their work when their own instrument needs attention or repair. The person providing the hired or borrowed instrument must complete the appropriate Table on the borrower's certificate and notify the transaction to the chief officer in accordance with sections 32 to 35 of the 1997 Act.
- 6.35 Under section 3(3) of the 1968 Act, a person is prohibited from undertaking the repair, test or proof of a firearm or ammunition to which section 1 of the 1968 Act applies, or

a shotgun, unless the person seeking the repair or other work produces a certificate authorising their possession of the firearm or ammunition, or shows that they are entitled to have it without a certificate. Licensed slaughterers, proprietors of slaughterhouses or knacker's yards, and persons appointed by such proprietors to take charge of slaughtering instruments and ammunition, are entitled to have possession of such instruments and ammunition without holding certificates, but only in the slaughterhouses or knacker's yards in which they are employed or of which they are the proprietors.

- 6.36 Under section 2(a) of the 1997 Act a person authorised by a firearm certificate to possess, purchase or acquire a slaughtering instrument does not need the authorisation of the Secretary of State to possess, purchase, acquire, sell or transfer a slaughtering instrument which falls within section 5(1)(aba) of the 1968 Act, that is small firearms. This exemption does not apply to Registered Firearms Dealers.
- 6.37 Similarly, under section 2(b) of the 1997 Act, authority under section 5 of the 1968 Act is not required for possession of a slaughtering instrument to which section 5(1)(aba) of the 1968 Act applies if a person is entitled to possess such an instrument without a firearm certificate under section 10 of the 1968 Act. This exemption does not apply to Registered Firearms Dealers.

## Gun bearers

- 6.38 Section 11(1) of the 1968 Act exempts from the certificate requirement a person carrying a firearm or ammunition to which section 1 of the 1968 Act applies, or shotguns, under the instruction of another person who holds a certificate and for that other person's use for sporting purposes only. It does not entitle the bearer to use the firearm or shotgun. The courts have found that this exemption does not extend to unaccompanied possession of the firearms concerned, for example by a chauffeur transporting the firearms from one town to another, in which instance a certificate or permit would be required. Where the person doing the carrying is under eighteen, the exemption only applies if the certificate holder is eighteen or over – as per the amendment inserted by SI 2010/1759.

## Controlling races

- 6.39 Section 11(2) of the 1968 Act (as amended by the Firearms (Amendment) Regulations 2010) authorises the possession, without a certificate, of a firearm at an athletic meeting for the purpose of controlling races at that meeting. This section does not, however, authorise the purchase or acquisition, without a certificate, of a firearm for such purposes nor does it apply to under eighteen years olds. The possession of ammunition is not authorised, but blank ammunition not exceeding one inch in diameter may be held without a certificate. Furthermore, a person does not need authority under section 5 of the 1997 Act to possess, purchase, acquire, sell or transfer a firearm that is held on certificate with a condition that it is only to be used for controlling races at athletics meetings.

- 6.40 The reason for this exemption is that major athletics events require controlling guns (commonly known as starting guns) which are classed as firearms and are able not only to produce a very loud bang but also a highly visible flash from the muzzle end of the gun to facilitate accurate timing. This is not applicable to cycling races or other similar events. In practice, only those starters who have achieved level 2c<sup>1</sup> or 3 under the UK Athletics (UKA)<sup>2</sup> grading structure should be granted a certificate. In the case of level 2c, only those who meet the following criteria should be regarded as sufficiently qualified:
- the starter has completed two full years at level 2c, and
  - he/she has a letter of approval issued by the Technical Committee of UKA and signed by the UKA Welfare Officer.
- 6.41 Most starting pistols, such as the ones used at school sports days, do not have an open barrel and are not classed as firearms. Nevertheless, it is important to note that the legislation does not refer explicitly to UK Athletics Ltd authorised starters. Although most unlikely, there may be other starters who can make a convincing case for possessing such firearms.
- 6.42 Starting cannon used by yacht clubs are, provided that they were designed as signalling apparatus, exempt from the prohibition on small firearms contained in section 5(1)(aba) of the 1968 Act. However, persons wishing to possess such starting cannon must have a firearm certificate.

## Rifle and pistol clubs and cadet corps

- 6.43 These are dealt with separately in chapter 18.

## Firearms taken to and from Proof Houses

- 6.44 Under section 58 (1) of the 1968 Act any person carrying firearms to or from the proof houses is exempt from the provisions of the Act, so long as the firearms are being carried for the purposes of proof.

## Theatrical, film and television productions

- 6.45 Section 12(1) of the 1968 Act authorises the possession of a firearm, without holding a certificate, by any person taking part in a theatrical performance or rehearsal or in the production of a film. This equally applies to television productions. The section does not, however, authorise the purchase or acquisition, without a certificate, of a firearm for such purposes. A number of specialist registered firearms dealers hold stocks of firearms specifically for theatrical or film/television productions. These dealers transport the firearms to the production where they remain under their control and supervision whilst in use by the actors or production staff.

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1 2c is an official qualified up to and including regional levels of meetings and sits just below level 3.

2 UK Athletics (UKA) has its own grading structure for race starters at athletics events which is not linked to the Firearms Act.

- 6.46 Theatrical, television or film producers who wish to acquire firearms for the purpose of their production must obtain certificates. In such cases the fact that the firearm will be handed to and carried by actors in the production will, in the case of firearms to which section 1 of the 1968 Act applies, as a rule justify the addition of special conditions to the firearm certificate (see Appendix 3).
- 6.47 In some cases arrangements are made by the theatrical, television and film producers to hire firearms for the purpose of their productions. It may be desirable in cases involving firearms to which section 1 of the 1968 Act applies to make it clear on the firearm certificate that the firearms specified may be hired only once unless second or subsequent hirings are authorised by specific variations of the certificate. In such cases the certificate might also bear a special condition (see Appendix 3).
- 6.48 Section 8(2)(a) of the 1968 Act enables the producer to part with the possession of the firearms to the persons taking part in the performance or production.
- 6.49 Section 12(1) of the 1968 Act does not authorise the possession of ammunition. In view of the exemption for blank cartridges not exceeding one inch in diameter, it is not an offence for persons taking part in a theatrical or television performance or rehearsal or the production of films to use such blank cartridges. A firearm certificate authorising the acquisition of firearms to which section 1 of the 1968 Act applies for the purposes specified in section 12, should not normally authorise the acquisition or possession of ammunition. In the absence of any relevant court rulings, chief officers of police will need to consider any applications on their individual merits, mindful of the need for consistent administration of the Acts.
- 6.50 There might be value in distinguishing between historical plays and presentations, where there are costumed characters in a public presentation for which firearms and blank ammunition may be needed as props and there is some form of script and rehearsals, and battle re-enactment, where it would be more likely that the exemption would not apply. However, under section 12 (2), as amended by section 23 (2) of the 1988 Act, the Secretary of State or Scottish Ministers may authorise a person in charge of a theatrical or television performance or rehearsal or the production of films to possess weapons prohibited under section 5 of the 1968 Act and also authorise selected other persons to have possession of those weapons while taking part in the performance, rehearsal or production.

## Ship and hovercraft equipment

- 6.51 No certificate is necessary to authorise the possession of firearms and ammunition subject to section 1 of the 1968 Act on board ship as part of the ship's equipment (section 13(1)(a) of the 1968 Act). A certificate is, however, required to acquire. Under section 13(1)(c) of the 1968 Act a police officer may issue a permit (form 115) authorising the removal of a firearm to which section 1 of the 1968 Act applies (but not ammunition), to or from a ship for any purpose specified in the permit. A permit granted by a police officer does not permit the possession of prohibited weapons subject to section 5 of the 1968 Act.
- 6.52 Although there is no legal definition of what constitutes a "ship" within the 1968 Act, in the absence of a court ruling this effectively means a vessel designed to be ocean-going rather than one for travel on inland waterways.
- 6.53 Note: Article 4 of the Hovercraft (Application of Enactments) Order 1972, taken in conjunction with Schedule 1 to the Order provides, amongst other things, that any

reference in the 1968 Act in whatever terms to ships, vessels, boats or activities or places connected therewith shall include a reference to hovercraft or activities or places connected with hovercraft.

## Signalling apparatus on aircraft or at aerodromes

- 6.54 Section 13(1)(a) of the 1968 Act also applies to the possession of signalling apparatus (for example, Very pistols) and ammunition for it. Section 13(1)(b) of the 1968 Act provides for such apparatus and ammunition, which are part of the equipment of aircraft, to be stored in safe custody at an aerodrome and to be removed between the place of storage and the aircraft, or from one aircraft to another at an aerodrome, without the necessity for a certificate or permit.
- 6.55 A permit on form 115 may be issued under section 13(1)(c) of the 1968 Act to cover any other case of removal of signalling apparatus. This permit is prescribed by the Firearms Rules 1998 – see rule 9(3) and Schedule 4 Part V.
- 6.56 A firearm certificate is necessary to authorise the purchase or acquisition of signalling apparatus and ammunition but this may be issued free of charge (see chapter 20 on fees).

## Birdscaring

- 6.57 In the main there are two types of firearm used for birdscaring, a necessary safety measure at airfields: a firearm designed as signalling apparatus and modified accordingly (for example, a modified Very pistol) or a firearm purpose-built for birdscaring, almost without exception 12 bore. Where the firearm was designed as signalling apparatus, it would not be prohibited under section 5(1)(aba) of the 1968 Act even though it was now being used for birdscaring. Persons wishing to purchase or acquire such firearms can also benefit from the provisions in section 32(3)(b) of the 1968 Act in that no fee is payable where the certificate relates solely to signalling apparatus which the applicant requires as part of the equipment of the aerodrome. The certificate should, however, be conditioned to the effect that the firearm should be used only for signalling purposes and birdscaring (see Appendix 3).
- 6.58 Each person permitted to use the equipment requires a suitably conditioned firearm certificate authorising the possession and use of the weapon for birdscaring purposes. The weapon cannot be passed to non-authorized persons.
- 6.59 It should be noted that most cartridges used for these purposes contain a single projectile and are therefore subject to section 1 of the 1968 Act. Also, firearms specifically designed for birdscaring (not signalling) fall under section 5(1)(aba) of the 1968 Act (prohibited weapons) if they have a barrel less than 30cm, or are less than 60cm in overall length. Firearms specifically designed for birdscaring, and used for that purpose also attract a fee when held on certificate.

# Chapter 7: Young people

- 7.1 This chapter explains how sections 22, 23, 24, 24A and 24ZA of the 1968 Act place restrictions on the purchase, acquisition, possession and use of firearms by, and the transfer thereof to, young people. The subject of minimum age to carry a firearm or shotgun is complicated, therefore for ease of reference, Appendix 4 provides a summary of the legislative requirements in this area. It should be noted that the table in Appendix 4 is a legal summary and does not take into account issues around issuing firearms or shotgun certificates to those under eighteen.

## General

- 7.2 Broadly you must be aged fourteen or over to have a firearm certificate. A person under eighteen is prohibited by section 22 of the 1968 Firearms Act (as amended by the Violent Crime Reduction Act 2006 and the Firearms (Amendment) Regulations 2010 (SI 2010/1759)) from **purchasing or hiring** any firearm or ammunition defined by section 57. Section 24A(1) of the 1968 Act also prohibits the purchase of imitation firearms by those under the age of eighteen.

This includes:

- i. air weapons and ammunition for air weapons;
  - ii. imitation firearms, realistic imitation firearms and deactivated firearms;
  - iii. readily convertible replicas (as defined by section 1 of the Firearms Act 1982);
  - iv. smooth-bore guns;
  - v. shotgun cartridges;
  - vi. blank ammunition.
- 7.3 Section 24 makes it an offence to sell or to let on hire firearms and ammunition to those under the age of eighteen. Section 24A(2) makes it an offence to sell imitation firearms to a person under the age of eighteen.
- 7.4 They may however acquire other than by purchase or hire, air weapons (and air weapon ammunition), shotguns or shotgun cartridges to which section 2 applies, and firearms or ammunition to which section 1 of the 1968 Act applies according to the provisions laid out in this chapter. An example of acquisition would be using a firearm under the supervision of a parent or guardian (provided they are of the correct age).

## EU Weapons Directive – young persons

- 7.5 Section 22(1A) of the 1968 Act (inserted by Regulation 4 of the Firearms (Amendment)

Regulations 1992) makes it an offence for any firearm certificate holder under the age of eighteen to use a firearm to which his certificate relates for a purpose not authorised by the Directive.

The authorised purposes are for:

- i) use as a slaughtering instrument;
- ii) sporting purposes;
- iii) shooting vermin or, in connection with estate management, other wildlife;
- iv) competition purposes (including practice and training);
- v) target shooting which is not already authorised by virtue of being conducted for competition purposes (e.g. cadet forces).

7.6 Section 27(1A) of the 1968 Act as amended by SI 2010/1759 provides that a person under the age of eighteen shall be capable of having good reason for the acquisition or possession of a firearm or ammunition only if he has no intention of using the firearm or ammunition, before the age of eighteen, for a purpose not authorised by the Directive. The same is true of a shotgun under section 28(1C) of the 1968 Act (also amended by SI 2010/1759).

## Exemptions for Section 1 & 2 Firearms

7.7 Section 11(1), 11(2), and 11(5) of the Firearms Act 1968 relate to exemptions for sports, athletics and other approved activities. These sections were amended by the Firearms (Amendment) Regulations of 2010, as was section 16 of the Firearms (Amendment) Act 1988 (See chapter 6). Amendments to section 11(1) and 11(5) of the 1968 Act, and section 16 of the 1988 Act mean that where the person carrying or borrowing the firearm is under the age of eighteen, the exemption only applies if the person for whom the firearm is being carried, or the occupier or servant in whose presence the borrowed firearm is being used, is aged eighteen or over. Amendments to section 11(2) state that the race starting exemption is only available to persons aged eighteen or over.

## Air weapons

7.8 Section 22(1) of the 1968 Firearms Act (as amended by section 34 of the Violent Crime Reduction Act 2006) makes it an offence for a person under the age of eighteen to purchase or hire an air weapon or ammunition for an air weapon.

7.9 Section 22(4) of the 1968 Act (as amended by section 38 of the Anti-social Behaviour Act 2003 and the section 34 of the Violent Crime Reduction Act 2006) makes it an offence for a young person under the age of eighteen to have with them an air weapon or ammunition for an air weapon, other than when they are:

- i. supervised by someone aged twenty-one or over (section 23(1));
- ii. a member of an approved club while engaged as such in connection with target shooting (section 23(2)(a));
- iii. at a shooting gallery where only air weapons or miniature rifles not exceeding .23 inch calibre are used (section 23(2)(b)); or

- iv. aged fourteen or over and on private premises with the consent of the occupier (section 23(3)).
- 7.10 Section 24(1) of the 1968 Act was substituted by SI 2010/1759 from July 2010 and makes it an offence to sell or let on hire any firearm or ammunition to a person under the age of eighteen. This includes air weapons. Under section 24(4) of the 1968 Act (as amended by section 33 of the Violent Crime Reduction Act 2006) it is an offence to make a gift, or part with possession, of an air weapon or ammunition for an air weapon to a person under the age of eighteen.
- 7.11 Section 46 of the Crime and Security Act 2012 inserts section 24ZA into the 1968 act to make it an offence for a person in possession of an air weapon to fail to take reasonable precautions to prevent any person under the age of eighteen years from having the weapon **with him**.
- 7.12 This does not apply where the person under the age of eighteen years (by virtue of section 23 of the 1968 Act) is permitted to have an air weapon with them under one of the exceptions set out in section 23 of the 1968 Act (See paragraph 7.5 (i) – (v)). The provisions of section 58(2) of the 1968 Act mean that the new offence does not apply to an antique air weapon held as a curiosity or ornament (See chapter 8 and 19).
- A defence is provided where a person can show he had reasonable grounds for believing the other person to be aged eighteen or over.
- 7.13 Under section 21A of the 1968 Act (inserted by the Violent Crime Reduction Act 2006) it is an offence for anyone of any age to have with him an air weapon and use it to fire beyond the boundary of the premises where they have permission to shoot.
- 7.14 The offence relating to adults (aged twenty-one years or over) supervising those under the age of eighteen is found in section 23(1) (as amended by section 34 of the Violent Crime Reduction Act 2006). It is a defence under section 23(1A) for the supervisor to show that the only property into or across which the missiles were fired, were premises where the occupier of which had consented to the firing of the missile (whether specifically or by general consent). See also chapter 22.

## Powers of the Scottish Parliament – Air Weapons

- 7.15 Section B4 of Part 2 of Schedule 5 to the Scotland Act 1998 reserves the subject matter of the Firearms Acts 1968 to 1997. Section 10 of the Scotland Act 2012 amends section B4 to create an exception to that reservation.
- 7.16 The amendment gives legislative competence to the Scottish Parliament in relation to the regulation of air weapons within the meaning of section 1(3)(b) of the Firearms Act 1968 (air weapons not declared specially dangerous by rules made by the Secretary of State under section 53 of the 1968 Act).
- 7.17 The Secretary of State retains the power under section 53 of the Firearms Act 1968 and section 1(4) of the Firearms (Amendment) Act 1988 to make rules to alter the definition of specially dangerous air weapons and orders to prohibit specially dangerous weapons.

## Acquisition and possession by young people

## Shotguns

- 7.18 A person aged fifteen or over but under eighteen may acquire, other than by purchase or hire, shotguns to which section 2 of the 1968 Act applies, providing that they are in possession of a valid shotgun certificate.
- 7.19 Section 22(3) of the 1968 Act makes it an offence for any person under the age of fifteen to have an assembled shotgun with them unless:
- i. they are under the supervision of a person aged twenty-one or over; or
  - ii. the gun is so covered with a securely fastened gun cover that it cannot be fired.

Note: the Act does not require the supervisor to be a certificate holder, though this is preferable.

- 7.20 The Act does not prohibit a person under the age of fifteen from having a shotgun certificate. The Act also does not exempt a person under the age of fifteen from the need to have a shotgun certificate in order to have an assembled shotgun in their possession on private land in the circumstances described above in 7.19(i) i.e. when section 11(5) or 11(6) are not utilised. In such cases the parent, guardian or other responsible adult will supervise the young person and take responsibility for the gun when not in use.
- 7.21 Under section 24(3) of the 1968 Act it is an offence to make a gift of a shotgun, or ammunition for a shotgun, to a person under the age of fifteen. The effect of this provision is to ensure that persons under fifteen years of age may not be given guns of their own. A person under the age of fifteen may be taught to shoot. It is in the interests of safety that a young person who is to handle firearms should be properly taught at a relatively early age. It should be noted that the offence is committed by the giver of the shotgun, not the young person who receives it. Persons under the age of fifteen may either use a shotgun under existing exemptions contained in chapter 6 or whilst holding their own shotgun certificate they may borrow one for 72 hours. Supervision by an adult aged twenty-one years or over applies in all circumstances.

## Section 1 firearms

- 7.22 Section 22(2) of the 1968 Act prohibits persons under the age of fourteen from having with them any firearms or ammunition to which section 1 of the 1968 Act or section 15 of the Firearms (Amendment) Act (1998) applies, except in circumstances where they are entitled by virtue of section 11(1) or 11(4) or section 15 of the 1988 Firearms (Amendment) Act (as amended by section 45 of the 1997 Act) to have possession of them without holding a firearm certificate. Note that section 11(3) of the 1968 Act was repealed by the Armed Forces Act 1996.

These include possession at rifle clubs or on a miniature rifle range.

- 7.23 Other than the circumstances above, it is an offence under section 24(2)(b) to part with the possession of any firearms or ammunition to which section 1 applies to a person who is under the age of fourteen (although it is not an offence by the young person to receive them). It is also an offence under section 24(2)(a) to make a gift of or lend a firearm or ammunition to which section 1 applies to a person under the age of fourteen.
- 7.24 Section 24(5) of the 1968 Act provides that, in proceedings for an offence under any of the

provisions in section 24 relating to the transfer of firearms to young persons, it is a defence to prove that the person charged with the offence believed the other person to be of or over the age mentioned in that provision and had reasonable grounds for the belief.

- 7.25 A person under fourteen may not be granted a firearm certificate in any circumstances. However, there may be occasions where a parent is granted such a certificate, or an existing certificate is varied, in respect of a child under fourteen, for example, where the child will be participating in competitive target shooting. In these instances, the child would be expected to provide the primary “good reason” for the possession of the firearm. Both the parent and the child would be subject to the necessary background checks.
- 7.26 A certificate can be granted authorising possession, as well as acquisition (for example, by borrowing or by receiving as a gift) to a person aged over fourteen but under eighteen. However a firearm certificate may not be granted for the purchase and hire of firearms or ammunition to such a person.
- 7.27 A young person holding a firearm or shotgun certificate may reach the age of eighteen during the life of the certificate. In these cases, it must be made clear to the holder that they may not purchase any firearm or ammunition before the date of their eighteenth birthday. This advice should take the form of a notice added to the certificate (see Appendix 3).
- 7.28 When a parent or other adult wishes to purchase a firearm to which section 1 of the 1968 Act applies for presentation to a young person between the ages of fourteen and under eighteen, both the adult and the young person must be in possession of certificates, or other lawful authority (for example, as would be given to a member of a cadet corps). The former will need the authority to enable them to purchase, and the latter to enable them to acquire and possess the firearms and ammunition. The same principle would apply to a shotgun to which section 2 of the 1968 Act applies for presentation to a young person between the ages of fifteen and eighteen. In some cases the parent or other adult may wish the firearm to appear on both certificates for reasons of joint storage. However, the supervisor of a young person over the age of fourteen need not be a certificate holder.

## Imitation firearms

- 7.29 Section 24A of the firearms Act 1968 (as inserted by section 40 of the Violent Crime Reduction Act 2006) makes it an offence for anyone aged under eighteen to purchase an imitation firearm and for anyone to sell an imitation firearm to someone aged under eighteen.
- 7.30 “Imitation firearm” is defined in section 57(4) of the Firearms 1968 as “any thing which has the appearance of being a firearm (other than such a weapon as is mentioned in section 5(1)(b) of this Act) whether or not it is capable of discharging any shot, bullet or other missile”. It will ultimately be for the courts to decide whether an item falls within this definition but clearly it will apply to the purchase and sale of realistic imitation firearms where this is allowed under one of the statutory defences (see chapter 2). It will also apply to non-realistic imitations which nevertheless have “the appearance of being a firearm”. This could include some children’s toys although many toys will look so different from a firearm they might not be regarded as an imitation at all (for example, some of the more futuristic looking space guns). Where a toy is considered to be an imitation firearm, the purchase will have to be made by a parent or other person aged over eighteen.

- 7.31 There is a defence for anyone charged with the offence of selling an imitation firearm to someone under the age of eighteen, where he can show that he had reasonable grounds for believing the purchaser to be eighteen or over – for example, by seeing credible proof of age.

## Deactivated firearms

- 7.32 Section 38(7) of the Violent Crime Reduction Act 2006 defines a de-activated firearm as an 'imitation firearm': a firearm which has been rendered incapable of discharging a shot, bullet or other missile, (as opposed to a 'realistic imitation firearm'). Therefore by virtue of section 24A of the 1968 Act, a deactivated firearm must be bought by or sold to someone aged eighteen or over.

# Chapter 8: Antique firearms

- 8.1. Section 58(2) of the 1968 Act exempts from the provisions of the Act – including certificate controls under sections 1 and 2 and prohibition under section 5 – all antique firearms which are sold, transferred, purchased, acquired or possessed as curiosities or ornaments. From 14 July 2014 section 110 of the Anti-social Behaviour, Crime and Policing Act 2014 amends section 58(2) of the 1968 Act and the effect is that section 21 (prohibitions- see paragraph 5.9) and schedule 3 do apply to antique firearms.
- 8.2. This guide is based on the premise that public safety considerations are paramount, and those arms which are commonly used in crime should remain subject to certificate control and control of the authorities in respect of prohibited weapons. This is irrespective of how old the weapon is. Where an antique firearm is possessed for any other purpose than as a “curiosity or ornament”, all the provisions of the Firearms Acts from 1968 to 1997 will continue to apply, including those relating to certificate requirements. An indication of an intent to fire the gun concerned which may be signalled by the possession of suitable ammunition or even blank charge used for the purposes of historical re-enactment displays may well mean that the gun cannot be said to be held solely as an object of “curiosity or ornament”.

## What is antique?

- 8.3. The word “antique” is not defined in the Act and it is for the chief officer of police and for the courts to consider each case on its merits. However, it is suggested that the categories in this chapter should be used as a guide in deciding whether a particular firearm might be considered an “antique” for these purposes. The Home Office has always taken the view that ‘antique’ should be taken to cover those firearms of a vintage and design such that their free possession does not pose a realistic danger to public safety.
- 8.4. See Appendix 1 for details of organisations who can be contacted for further information on antique firearms.

## Antique ammunition

- 8.5. As ammunition does not benefit from the section 58(2) exemption, a firearm certificate is required. A shotgun certificate is required to purchase shotgun cartridges.

## Occasional firing

- 8.6. Firearms can be possessed on certificate for the purposes of collection and occasional firing. Where the “good reason” for possession is collection and not target shooting, section 44 of the 1997 Act requiring membership of a club to be named on the certificate is not applicable.
- 8.7. Where the owner has an antique firearm which they wish to fire for test, research, re-enactment, target shooting or competition purposes, no test of frequency of use should be applied when assessing good reason to possess a firearm: the primary reason for possession will be collection.

- 8.8. An antique may be brought on to certificate or removed from time to time or where there is a change in ownership. A signed statement of intent by the owner to the local police firearms department should be sufficient to effect the necessary change of status when required. A variation fee would become payable where an “antique” is brought onto certificate to allow it to be fired, unless a ‘one for one’ variation is sought. In the latter case, it should be borne in mind that mostly only mass-produced muzzle-loading arms had standardised bore sizes. Therefore a variation for a craft-made muzzle-loader may require finding a suitable example before the calibre can be ascertained. As this may take some time, some latitude may be given over the time taken for such ‘one for one’ variations.

## Old firearms which should benefit from exemption as antiques

- 8.9. Pre-1939 firearms to benefit from exemption as antiques are as follows:
- (a) All muzzle-loading firearms;
  - (b) Breech-loading firearms capable of discharging a rimfire cartridge other than .22 inch or .23 inch (or their metric equivalents), 6mm or 9mm rimfire;
  - (c) Breech-loading firearms using ignition systems other than rimfire and centrefire (these include pin-fire and needle-fire ignition systems, as well as the more obscure lip fire, cup-primed, teat fire and base fire systems);
  - (d) Breech-loading centrefire arms originally chambered for one of the obsolete cartridges listed in Appendix 5 and which retain their original chambering;
  - (e) Shotguns and punt guns chambered for the following cartridges (expressed in imperial measurements): 32 bore, 24 bore, 14 bore, 10 bore (2  $\frac{5}{8}$  and 2  $\frac{7}{8}$  inch only), 8 bore, 4 bore, 3 bore, 2 bore, 1  $\frac{1}{8}$  bore, 1  $\frac{1}{4}$  bore and 1  $\frac{1}{2}$  bore, and vintage punt guns and shotguns with bores greater than 10. It also includes vintage (pre-1939) rifles in these bores.
- 8.10. The exemption does not apply to ammunition, and the possession of live ammunition suitable for use with an otherwise antique firearm may indicate that the firearm is not possessed as a curiosity or ornament.
- 8.11. The exemption does not apply to firearms of modern manufacture which otherwise conform to the description above. For these purposes, “modern manufacture” should be taken to mean manufacture after the outbreak of the Second World War in 1939. Fully working modern firing replicas of muzzle-loading and breech-loading firearms, for example those used to fire blanks by historical re-enactment societies but capable of firing live ammunition, must be held on certificate. This includes replica pieces of ordnance that are to be fired; some replicas have been produced with a true bore size of just under 2 inches, thus enabling possession and use on a shotgun certificate, but with significant counter-boring at the muzzle to preserve the necessary appearance of external visual authenticity.

## Old firearms which should not benefit from the exemption as antiques

- 8.12. Old firearms which should not benefit from the exemption as antiques are set out below. This list is not exhaustive and there may be other types and calibres of firearms that should be considered “modern” rather than “antique”:
- (a) Shotguns and smooth-bored guns, including shot pistols, chambered for standard shotgun cartridges, .22 inch, .23 inch, 6mm and 9mm rimfire cartridges unless otherwise specified in the list of obsolete shotgun chamberings in Appendix 5.
  - (b) Rifles and handguns chambered for .22 inch, .23 inch, 6mm or 9mm rimfire ammunition;
  - (c) Revolvers, single-shot pistols and self-loading pistols which are chambered for, and will accept centrefire cartridges of the type .25, .30, .32, .38, .380, .44, .45, .450, .455 and .476 inch, or their metric equivalents including 6.35mm, 7.62mm, 7.63mm, 7.65mm, 8mm and 9mm, unless otherwise specified in the list in Appendix 5;
  - (d) Modern reproduction firearms or old firearms which have been modified to allow the use of shotgun cartridges or cartridges not listed in Appendix 5;
  - (e) Weapons extensively modified after 1939;
  - (f) Signalling pistols chambered for 1 and 1 ½ inch cartridges or 26.5mm/27mm cartridges;
  - (g) Pump-action and self-loading centrefire rifles, except those examples originally chambered for one of the obsolete cartridges listed at Appendix 5 and retaining their original chamberings. The latter may benefit from an exemption as antiques under section 58(2) of the 1968 Act (as amended).

## Air weapons

- 8.13. Section 31 of the Violent Crime Reduction Act 2006 amended section 3 of the Firearms Act 1968 to require any such dealer who sells or transfers an air weapon by way of trade or business, or who exposes such a weapon for sale or transfer or has such a weapon in his possession for sale or transfer, to register with the police as a firearms dealer.
- 8.14. Section 1(3) of the 1968 Act confirms that the term ‘air weapon’ includes air rifles, air guns and air pistols.
- 8.15. In accordance with section 58(2) of the 1968 Act, it is not necessary to register as a dealer where the air weapons concerned are antiques which are kept as curiosities or ornaments. Following consultation with the police and other interested parties, the Home Office is of the view that any air weapon manufactured before 1939 should normally be regarded as an antique for these purposes. Appendix 5 contains guidance on the most common types of air weapon, rifle or pistol manufactured before 1939.

# Chapter 9: Historic handguns

- 9.1. Section 1 of the Firearms (Amendment) Act 1997 amended section 5 of the 1968 Act to extend the list of prohibited weapons to include most handguns. Prohibited weapons can only be possessed under the authority of the Secretary of State. However, section 7 of the 1997 Act provides an exemption for ownership of certain classes of historic handguns by private individuals providing certain conditions are met.
- 9.2. This chapter provides guidance on how section 7 might be applied in practice. Decisions about whether the terms of section 7 have been met and the discretion to grant or refuse a firearm certificate rest with chief officers of police, as set out in the 1968 Act. The interpretation of the law remains a matter for the courts.
- 9.3. If a person wishes to possess a handgun under section 7, the chief officer of police must be satisfied that the firearm is one to which the provisions of section 7 apply. The burden therefore rests with the owner to provide evidence that the handgun concerned falls within the scope of section 7. This guidance sets out the issues and the evidence which the police may wish to consider in deciding whether to grant a firearm certificate in these circumstances.

## Section 7 of the 1997 Act

- 9.4. The text of Section 7 as amended by The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999 is as follows:

### Section 7: Firearms of historic interest:

- (1) The authority of the Secretary of State or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998) is not required by virtue of subsection (1) (aba) of section 5 of the 1968 Act for a person to have in his possession, or to purchase or acquire, or to sell or transfer, a firearm which-
  - (a) was manufactured before 1 January 1919; and
  - (b) is of a description specified under subsection (2) below,if he is authorised by a firearm certificate to have a firearm in his possession, or to purchase or acquire it, subject to a condition that he does so only for the purpose of its being kept or exhibited as part of a collection.
- (2) The Secretary of State may by order made by Statutory Instrument specify a description of firearm for the purposes of subsection (1) above if it appears to him that –
  - (a) firearms of that description were manufactured before 1 January 1919 and;
  - (b) ammunition for firearms of that type is not readily available.

(3) The authority of the Secretary of State or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998) is not required by virtue of subsection 1(aba) of section 5 of the 1968 Act for a person to have in his possession, or to purchase or acquire, or to sell or transfer, a firearm which:

- (a) is of particular rarity, aesthetic quality or technical interest; or
- (b) is of historical importance.

if he is authorised by a firearm certificate to have the firearm in his possession subject to a condition requiring it to be kept and used only at a place designated for the purposes of this subsection by the Secretary of State or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998).

(4) This section has effect without prejudice to section 58(2) of the 1968 Act (antique firearms).

9.5. In broad terms, section 7 divides historic handguns, other than antiques and muzzle-loaders, into two classes: those which may be kept at home without ammunition, and those which may be kept and fired at a designated secure site.

9.6. Set out below is an explanation of how the terms of section 7 might apply in practice:

## Historic handguns which might be kept at home

9.7. The police may grant a firearm certificate for a firearm to be kept at home (as opposed to at a designated site) under the terms of section 7(1) if the normal criteria for the grant of a certificate are satisfied and if the firearm meets all of three tests:

- (i) it must be of a kind for which the Secretary of State has decided that ammunition is not readily available in the UK;
- (ii) the actual gun (not just the make or model) must have been manufactured before 1 January 1919; and
- (iii) the certificate must be subject to a condition that the gun must be kept or exhibited as part of a collection.

9.8. Section 7(2) gives the Secretary of State the power to list by Statutory Instrument those firearms to which section 7(1)(b) applies and therefore do not require an authority from the Secretary of State or Scottish Ministers. These represent both those cartridges used in rifles and carbines which can be purchased lawfully, and those calibres in common international circulation which are regularly used in crime in the UK. The Statutory Instrument states that the following types of firearm are subject to section 7(1):

9.9. All small firearms as defined by section 5(1)(aba) of the Firearms Act 1968 (small firearms) except those chambered for the following types of ammunition. These are set out in The Firearms (Amendment) Act 1997 (Firearms of Historic Interest) Order 1997 (Statutory instrument 1997/1537) as follows:

- 22" rimfire
- .25" Auto colt pistol/6.35mm
- .25" – 20

- .32" Auto colt pistol/7.65mm
- .32" – 20
- .32" Smith & Wesson Long
- 7.62mm Soviet Tokarev
- .38" 40 Winchester
- .380 Auto colt pistol/9mm short
- 9mm Luger/Parabellum/9x19mm
- .38 Smith & Wesson
- .38" Special
- .38-200
- .44" Special
- .44" – 40 Winchester
- .45 Auto colt pistol
- .45" Long Colt

9.10. This is a statutory provision, and any gun chambered for the above types of ammunition cannot benefit from the provisions of section 7(1) and (2). The police have no power to waive the terms of the Statutory Instrument and allow firearms of these chamberings to be kept at home. Likewise, further ammunition can only be declared "readily available" by the Secretary of State. Handguns covered by the list would include, for example, the Browning Models 1900, 1906 and 1910, the Colt 1917 in .45" ACP, the Mauser c96 in 9mm Parabellum, the P08 Luger in 9mm, and the Webley 1906 as the ammunition for these may be available. However, guns of these types might benefit from the terms of section 7(3).

9.11. As well as being a type for which ammunition is not readily available, the individual gun (not just the make or model) must have been manufactured before 1 January 1919. This date was chosen to include both guns of the First World War era and the work of the smaller gunsmiths in the UK or abroad who ceased production before or during the Great War. This is a statutory requirement, and the police cannot grant a firearm certificate for a pistol made after this date to be kept at home under section 7(1). The police will therefore wish to be satisfied that the gun falls within this category.

9.12. Certain types of gun stopped being made before 1919. These would include the following:

<b>Adams</b>	revolvers
<b>Colt:</b>	Model 1873 and Model 1878 revolvers in .450, .455 and .476 calibre
<b>Enfield</b>	Mk I and Mk II .476 service revolvers
<b>Kynoch</b>	revolvers
<b>Lancaster</b>	four and two-barrelled pistols ("howdah pistols")
<b>Smith &amp; Wesson</b>	Model No.3 revolver in .450, and .455 calibre
<b>Smith &amp; Wesson</b>	.22 rimfire tip-up Model 1 First, Second and Third Issues. [These can be identified by the barrel being tipped upwards before the cylinder can be removed for reloading].
<b>Smith &amp; Wesson</b>	Hand Ejector in .450 and .455 calibres
<b>Tranter</b>	revolvers
<b>Webley</b>	No.4 and No. 4 1/2 (the Webley Pryse revolver),
<b>Webley</b>	Kaufman

<b>Webley</b>	All WG models – 1889, 1891, 1892, 1893 1896, Army and Target
<b>Webley</b>	pistols chambered for .455self-loading (SLP) (semi-rimless) cartridges
<b>Wilkinson &amp; Webley</b>	Wilkinson revolvers Pryse type, 1892, 1900 and 1905 (a few model 1911s were made after 1918 (see 9.14 below).
<b>Dutch</b>	10mm model 1894

## Section 7(1) category

9.13. Certain types of gun were made only from 1919, and would not fall into this category. Examples would be the following:

<b>Astra:</b>	400, 600 and 900 pistols
<b>Beretta:</b>	M 1934 pistol M 1935 pistol
<b>Browning FN:</b>	Model 1922 pistol, Model 1935 (also known as GP, Grand Puissance or High Power) in 9mm Parabellum
<b>Colt:</b>	Official Police and Detective Special revolvers
<b>Enfield:</b>	Service revolvers No. 2 MkI, MkI* and MkI**
<b>Frommer:</b>	Model 37 pistol
<b>MAB:</b>	Model D pistol
<b>Mauser:</b>	Model 1934 pistol and Model HSC pistol
<b>Radom:</b>	VIS 35 pistol
<b>Sauer:</b>	Model 38 H pistol
<b>Smith &amp; Wesson:</b>	Military & police model revolver – version in .38 S &W (.38-200)
<b>Star:</b>	Model B pistol
<b>Tokarev:</b>	Model TT 33 pistol
<b>Walther:</b>	Model PP and Model PPK pistols, P38 pistol in 9mm Parabellum
<b>Webley:</b>	Small frame (put in to distinguish from large frame Mark IV made from 1899 to c. 1904) Mark IV revolver in .22LR, .32S&W Long &.38 S&W (.38-200)
<b>Unique:</b>	M17 pistol

9.14. The manufacture of certain models continued beyond 1918. In these cases, the main record of whether an individual example was made before 1919 will be the serial number. Set out below is a table of the more common guns spanning this period and the serial numbers. Please note that guns in “readily available” calibres are not eligible for Section 7(1) status even if they are made before 1919: the information below should be read in conjunction with paragraph 9.22 below.

<b>Make</b>	<b>Model</b>	<b>Calibre</b>	<b>Pre-1/1/1919 serial number</b>
Astra	Campo Giro M 1913 pistol	9mm largo	8,038
Colt	Single Action Army (Frontier, in.44/40)	.45 & .44/40*	337,200
Colt	Army Special & Officers	.38 Special	431,999
Colt	New Service (Army, Navy, Marine)	.45 Colt	170,499
Colt	US Model 1917	.45 ACP	139,350 (on base of butt)
Colt	Pocket Positive	.32 (various)	84,999
Colt	Police Positive	.22 Long Rifle	15,899
Colt	Police Positive	.32 (Various)	142,999
Colt	Police Positive	.38 S&W	99,999
Colt	Police Positive Special	.38 Special & .32/20	161,999
Colt	Models 1902 Military & 1903 Pocket	.38 ACP	40,499
Colt	Model 1903 Hammerless	.32ACP/7.65mm	289,999
Colt	Model 1908 Hammerless	.380ACP/9mm short	33,499
Colt	Model 1908 Hammerless	.25ACP/6.35mm	192,499
Colt	US Model 1911 (Military :unprefixed no)	45ACP	580,600
Colt	Government Model (commercial) (serial number prefixed C(.45) or W(.455))	.45ACP & .455 SLP	106,800
Colt	Target Model	0.22	6,499
FN	Model 1900	7.65mm	715753
FN	Model 1903	9mm BL	39493
FN	Model 1906	6.35mm	507695
FN	Model 1910	7.65mm & 9mm short	734587
Luger	Military Models	9mm Parabellum	Year over chamber
Luger	Commercial Models	9mm Parabellum	76,500
Luger	Swiss 1900/06	7.65mm Parabellum	15,215
Mauser	M 1914 pistol	7.65mm	185,414
Mauser	M 1910 pistol	6.35mm	199,000
Mauser	C 96 "Broomhandle"	7.63mm or (9x25)	430,000
Mauser	C96 "Broomhandle" 140mm barrel	7.63mm or (9x25)	433,000
Sauer	M 1913 Old Model pistol	7.65 & 6.35mm	85,467

<b>Make</b>	<b>Model</b>	<b>Calibre</b>	<b>Pre-1/1/1919 serial number</b>
Smith & Wesson	Perfected Hand ejector (HE) (M frame)	.22 Long Rifle	25,975
Smith & Wesson	Regulation Police & .32 HE (I frame)	.32 S&W Long	272,198
Smith & Wesson	Safety Hammerless	.32 S&W	215,501
Smith & Wesson	Military & Police (K frame)	32/20	80,422
Smith & Wesson	.35 Automatic	0.35	7,490
Smith & Wesson	Safety Hammerless	.38 S&W	245,934
Smith & Wesson	Double Action Perfected	.38 S&W	57,701
Smith & Wesson	Military & Police (K frame)	.38 Special	292,004
Smith & Wesson	Regulation Police (I frame)	.38 S&W	5,781
Smith & Wesson	.44 Military/.44 Target (N frame)	.44 Special	15,598
Smith & Wesson	US Model 1917 (N frame)	.45ACP	145,832
Webley	Solid frame, often mark'd Bulldog, RIC etc)	Various	102,148
Webley	Hinge frame pocket Mark II & III	.380	21,899
Webley	WP hammer and hammerless	.32	3,019
Webley	Fosbery	.38 ACP and .455	4,339
Webley	MkVI & WS Army/WS Target and Webley Wilkinson 1911	.22 & .455	430,959*
Webley	Self-loading	.25, .32, .380, .455, 9mm BL .38HV (.38ACP)	119,171
Webley	Self-loading (Navy and RHA)	0.455	8,000

Note: .320 is an obsolete calibre. If chambered for an obsolete calibre the above Webleys would be Section 58(2). Some Webley Wilkinson 1911 models were made after 1918. All Webley Wilkinson 1911s were numbered in the same series as the Mark VI and WS. During the years 1931 to 1939 Webley renovated and re-numbered over 700 Mk 6 service revolvers which were originally made pre-1919. These revolvers will be found between serial numbers 453101 and 455067 inclusive. Specific information may be obtained from Arms Research Co.

9.15. Other firearms were assembled from parts made before 1919 and where evidence can be shown that this was the case then these firearms may also benefit from section 7(1) and be held as such.

9.16. Some manufacturers applied an assembly number, and/or a serial number associated with a particular contract, to each of their firearms. This was in addition to the manufacturer's conventional serial number. Confusion over serial numbers is most likely to occur with Smith & Wesson revolvers. Where there is doubt about the correctness of any serial number, specialist advice should be obtained (see Appendix 1).

- 9.17. In the case of guns that are not listed above, it is open to the owner to present evidence on the date of manufacture of the gun concerned. The police may wish to consider the following kinds of evidence where this is available:
- (i) The calibre of firearm listed on the firearm certificate;
  - (ii) A factory letter from the makers setting out the date of manufacture;
  - (iii) Extracts from standard reference works giving the date of manufacture of the model;
  - (iv) An insurance or dealer's valuation setting out the details of the gun.
- 9.18. Guns where there have been extensive replacement of components, using parts manufactured after 1 January 1919, should not generally be regarded as having been made before 1919. This would include guns with pre-1919 frames but most other working parts made after that date. However, minor repair work or the replacement of a single part would not invalidate the original date of manufacture.

## Part of a collection

- 9.19. The terms of section 7(1) require that the person must be authorised by a certificate, subject to a condition that he only possesses, purchases, or acquires it for the purpose of its being kept or exhibited as part of a collection. As this is a statutory requirement, the police must be satisfied that the collection is genuine, rather than merely a device to get round the terms of the Act. The same principle applies where a section 7(3) application depends upon the firearm forming a part of a collection (see paragraph 9.19 and sub paragraph 9.26 (iv)). See Chapter 13 for further information on collecting firearms.
- 9.20. In deciding whether a gun is part of a collection, the police will wish to consider the following points:
- (i) A "collection" of firearms will normally have to consist of several related firearms of historic interest, rather than only one or two guns (but see (iii) below about being part of a larger collection of other artefacts). For example, these might be other firearms to which section 7(1) might apply, guns held at a designated site under section 7(3), or section 1 or section 2 firearms, or "antique" firearms held under the terms of section 58(2) of the 1968 Act, or muzzle-loading guns. These should all be part of a coherent collection, rather than held for game-shooting or other purposes.
  - (ii) The collection would be expected to be of historic interest, rather than simply of personal or sentimental interest to the owner. Owners would normally be expected to produce supporting evidence, for example a letter from a national museum or a relevant society or interest group, that the collection was of genuine historic value.
  - (iii) A firearm could be possessed under this section if it is part of a collection of other artefacts so long as the firearm is a significant component of the collection. This may be the case where the firearm forms a small part of a larger and established collection of related historic items, for example those relating to a famous historical figure. The police may reject "collections" of other artefacts put forward mainly to support the possession of a single firearm;
  - (iv) Genuine collectors of firearms for their own interest will often, though not always, be established members of the learned societies in this field, for example the Historical Breechloading Smallarms Association or the Vintage Arms Association;

- (v) The collection will usually need to be established and substantial before a firearm certificate, or Section 7 variation, is granted. The police will not normally grant a certificate for a single gun to begin a collection, unless there is very strong evidence that this will, in a short period of time, form part of a larger collection (although some collectors may have smaller collections). It should be recognised that since 1997, the availability of this category of firearm is much reduced and hence it may not be easily or quickly acquired;
- (i) If a firearm certificate is granted in respect of a collection, the police will wish to consider applications to acquire further historic firearms on individual merits. In particular, the police will wish to be satisfied that any new guns will form a proper part of the existing collection which may have more than one theme;
- (ii) Anyone wishing to begin a collection will have to provide evidence of a genuine and well-established interest in historic firearms (see also (v) above).

9.21. If the gun falls into the above category and forms part of a genuine collection, then it might be eligible to be kept at home without ammunition. The term 'at home' is a term used in this guidance rather than set in legislation. Section 7(1) refers to a certificate allowing the firearm to be in the person's possession. If the gun does not fall into the above category, or if the owner wishes to fire the gun, then section 7(3) may apply. While the term "at home" is used to distinguish these guns from those held at a designated site, this does not preclude the owner from removing the guns under the authority of their certificate, for example to take them to an auction, or an exhibition of historic arms or illustrate a lecture. Notification to police is only required where this is a condition of the certificate. Such a condition is not standard and would need to be agreed and where used, carefully worded for the circumstances.

9.22. The certificate allows the certificate holder to possess the firearm, not other people. Therefore, if other people possess the firearm, they would be committing an offence under section 1 of the 1968 Act. Whether or not handling constitutes possession will depend upon the circumstances and the context. The cases of *Hall v Cotton* 1987 and *Woodage v Moss* 1974 provide some principles as follows:

- i. Possession can include having a firearm under your control without it being in your physical possession, or in your home e.g. if someone keeps a firearm in a locked cabinet in their relation's house.
- ii. The concept of possession includes both proprietary and custodial possession i.e. both ownership/control and physical possession. There is a distinction between custody and possession, so proprietary possession and custodial possession are two different concepts.
- iii. A person can remain in "possession" of a firearm within the meaning of section 1 at a time when he is not physically in control of it.
- iv. The concept of possession has never been exhaustively defined in English law. Its precise meaning can vary according to the context and according to the Act of parliament in which the question arises.

9.23. It should be noted that section 7(3) can be used for collecting purposes, either as an extension of a section 7(1) collection, or in its own right. “Relevance to a collection” can be a factor in deciding on the acceptability of a firearm under sections 7(1) or 7(3). Thus, for instance, a comprehensive collection of British military revolvers could, for example, be expected to include what was once a relatively common .38 Enfield of the 1930s or 1940s alongside a rare .476 Enfield Mark I of 1879.

## Firearms to be stored at a designated site

9.24. Section 7(3) provides that owners keep and use their guns at a site designated by the Secretary of State if they hold a firearm certificate issued by their local police. In order to qualify for this exemption, a gun must meet the criteria set out in section 7(3). Being authorised by a certificate to acquire a firearm subject to a section 7(3) exemption is specific to a particular firearm. It should not be a “blanket” authority to acquire any firearm to which this exemption applies. In cases of older handguns which do not have a serial number, the make, model and calibre would be sufficient information.

9.25. In reaching a decision as to whether a firearm falls within the terms of section 7(3), the police may wish to consider how all of the criteria set out in that section might apply. A firearm might qualify for the exemption under several related headings; for example an old gun of unusual design of which very few examples survive will meet several criteria. However, each criterion stands in its own right, and the police need only be satisfied that the gun falls within one of the criteria in order for it to be included. In assessing each gun, the police will wish to consider the following four criteria: (i) historical importance; (ii) aesthetic quality; (iii) technical interest; and (iv) particular rarity.

## I Historical importance

9.26. A firearm might be considered to be of historical importance if it meets any of the following criteria. It should be borne in mind that historic can include more recent history;

- i. A firearm owned by a famous historical figure would probably be counted as of “historic importance” in itself. Famous figures would include senior military officers, members of royal families, famous statesmen and leaders, or famous sporting figures, or soldiers or civilians decorated for service in which the firearm was carried. Any provenance would have to be clearly established and supported;
- ii. Guns owned by lesser-known figures would not generally benefit from this exemption, unless they had a significant campaign history. The police may not wish to grant a certificate in respect of a firearm held by a family member simply because it is an heirloom, unless it is a “trophy of war” carried or acquired on active service. An exemption to this would be if the original or later owner was involved in events of historic importance, for example a battle or campaign, and if there is evidence of the involvement of the owner and their firearm;
- iii. If a firearm is from a historic era and location rarely found in British collections, then the police may wish to consider whether the gun is of historic importance as well as particular rarity;

- iv. If the police are satisfied that a gun forms part of a genuine and established collection, then they may wish to consider whether a firearm is of historical importance as an integral part of that collection see paragraph 9.19-9.23, bearing in mind that an established collector may have more than one theme to their collection;
- v. Guns which would be exempt “antiques” under the terms of section 58(2) of the 1968 Act but for their being fired are likely to be of “historic interest” for these purposes but not necessarily so;
- vi. In most cases guns made before 1919 may be considered of “historic importance” in themselves due to their age and rarity;
- vii. Conversely, guns manufactured after the Second World War may be less likely to be held to be of historic interest in themselves, in as far as they are more likely to have survived in numbers although numbers surviving were reduced following the handgun ban in the 1997 Act. Nevertheless, as with (vi), there may be special cases which will need to be assessed individually on their merits, as the firearm may be of historic interest to collectors and deserve preservation in its own right. For example, this might include more recent weapons used in Afghanistan or Iraq.

## II Aesthetic quality

- 9.27. This may be taken to mean firearms that differ significantly from factory standard in a way intended to enhance their appearance. This will normally involve substantial enhancement or decoration and at least a fair standard of craftsmanship. An elegant but essentially functional design such as the Colt .45 “Single Action Army” would not generally fall within this heading unless it has had factory or after sales work undertaken to it in order to differentiate it, such as engraving or ornamental grips.
- 9.28. It is not practicable within this exemption to judge the aesthetic standards or tastes of different generations and cultures. A Victorian pistol with elaborate decoration might fall within this category even if it might not conform to contemporary preferences. Note should also be taken of the case of *Kendrick v Chief Constable of West Midlands Constabulary* (2000) in which a modern presentation gun was held not to be of “aesthetic quality”.
- 9.29. While opinions are subjective, the police must ensure that a firearm in this category meets objective criteria. This might include evidence that the financial value of the firearm has been significantly raised through its artistic quality, for example from an insurance or other independent valuation.

## III Technical interest

- 9.30. While most firearms will be of some technical interest, it may be taken that the intent of section 7(3) is to preserve firearms of especial rather than common technical interest. This category might include those guns that demonstrate a viable response to a technical situation. Such guns would have to possess design features which were distinctive and not widely copied in other guns, or which were the first in a significant field, such as the 1893 Borchardt 7.65mm self-loading pistol. It may be expected that most firearms of technical interest would also be of some rarity.

9.31. Examples might include guns with unusual mechanisms, such as the Webley Fosbery Self-cocking revolver, the Dardick .38 model 1500 with its triangular rounds or the mechanical repeaters and Lancaster multi-barrelled pistols of the Victorian era. Technical adaptations might include, for example, the Spanish JoLoAr cavalry pistol designed for operation with one hand, or the Finnish Lahti 9mm with its powerful mechanism designed to overcome the effects of Arctic cold.

## IV Particular rarity

- 9.32. Section 7 provides that the firearm must be of particular rarity, rather than merely uncommon. The status of the gun will depend on a number of factors, including any distinctive markings, place of manufacture or service history. Patent and experimental models which were never manufactured in commercial or military quantities would be considered rare, such as the Gabbett Fairfax Mars self-loading pistol or the Mannlicher 7.6mm M1894 self-loading pistol. The condition of the gun and the retention of original accessories would not normally make it rare in itself, but would be a factor to consider in judging the overall status of the gun. If the firearm is from a particular or specific personal commission from a manufacturer this should be considered when judging rarity. Many firearms have increased in rarity since the introduction of the 1997 Act and this should be borne in mind when making decisions relating to rarity.
- 9.33. Collections of historic firearms in the UK include examples of most firearms found world-wide. If a pistol is rarely found in the UK then it will generally be rare in international terms and thus probably worthy of preservation.
- 9.34. The following makes and models of gun from the 1919-1945 period would not normally be considered rare, unless the individual example had clear distinguishing characteristics.
- 9.35. Applications submitted in this category may be considered on their individual merits:

<b>Astra:</b>	Models 400, 600 and 900
<b>Beretta:</b>	M 1934 pistol in 9mm short and M 1935 pistol in 7.65mm
<b>Browning FN:</b>	Model 1935 (also known as GP, Grand Puissance or High Power) in 9mm Parabellum
<b>Colt:</b>	Model 1911 in .45 ACP, Model 1903 Pocket Hammerless in .32ACP, Model 1908 in .25ACP, Model 1908 in .380ACP, Model 1917 revolver in .45"ACP, Official Police, Police Positive, Police Positive Special, Detective Special
<b>CZ:</b>	M27 7.65mm pistol
<b>Enfield:</b>	Service .38 No2 (including Albion-made) revolvers (all marks)
<b>Frommer:</b>	Model .37 pistol in 7.65mm
<b>Luger:</b>	(see "Parabellum")
<b>MAB:</b>	Model D pistol in 7.65mm
<b>Mauser:</b>	Model 1934 pistol in .32ACP, Model HS c pistol in .32ACP
<b>'Parabellum-type': byf(Mauser)</b>	P 08 nominal 4" barrel 9mm pistol marked S/42
<b>Radom:</b>	VIS 35 pistol in 9mm Parabellum

**Sauer:**

**Smith & Wesson:** “Military and Police” (K frame) –version in .38 S&W (.38-200)

**Star:** Model B pistol in 9mm Parabellum

**Tokarev:** Model TT 33 pistol in 7.62mm

**Walther:** Model 8 pistol in 6.35, Model PP and Model PPK pistols in .32 and .380ACP, P38 pistol in 9mm Parabellum

**Parabellum**

**Unique:** Model 17 pistol (Kriegsmodell)

**Webley:** Mark IV revolver in .38 S&W (.38-200) calibre, though several variants might qualify as “rare”

9.36. Guns made after 1945 may not generally be considered rare or of historic interest in themselves. However, exemptions to this would be models of which only a few examples were made, or now exist in the UK, for example the Jurek, the Sterling revolver and the Victory Arms Co self-loading pistol. Also those incorporating innovative production techniques or designs may be considered rare and therefore warrant preservation.

## Designated Sites

9.37. At present (June 2014) sites designated by the Secretary of State under section 7(3) for the keeping and use of historic pistols are as follows:

- i. The National Shooting Centre, Bisley Camp, Surrey
- ii. The Barbican Armoury, Brancepeth Castle, County Durham
- iii. The Leicester Shooting Centre, Leicester
- iv. The Tameside Shooting Centre, Greater Manchester
- v. The Wednesbury Marksmen, West Midlands
- vi. Lincolnshire Shooting Centre, Lincolnshire
- vii. Bedfordshire County Rifle and Pistol Association
- viii. Hertfordshire & Essex Shooting Association
- ix. Valley Arms, Ruthin, Denbighshire
- x. The Hastings 1066 Rifle & Pistol Club, Sussex
- xi. The Target Sports Centre, Dorset

9.38. Further sites may be designated in due course.

9.39. Section 7(3) does not authorise the possession of firearms outside the designated site. If the owner wishes to remove the gun (for example to transfer it to another designated site) this will normally require a carrier holding the Secretary of State’s authority under section 5 and prior police authority to amend the certificate conditions stipulating the new designated site or “at home” if the gun is a 7(1) that had been held at a 7(3) designated site and is being removed by the owner. Also where a section 7(3) firearm is of a type that could be held as a section 58.2 firearm, but for the fact of it being held for firing at a designated site, the status of the firearm can be changed back to section 58.2 so as to allow the owner to remove it from the designated site. This change in status also applies to firearms that qualify for section 7(1) so that they can also be transported by their owners. The change in status will require the permission of the licensing authority prior to the movement of the firearms. The change in status of such a firearm should be made by a letter to the licensing authority.

9.40. The main purpose of section 7(3) is to allow guns of historic interest to be preserved and studied, including occasional shooting. It is not intended to allow for competitive target shooting, and nor is there any obligation on owners to fire their guns or regularly visit the site.

## Dealers

9.41. Registered firearms dealers who wish to trade in historic handguns will need to obtain authority from the Secretary of State under section 5 of the 1968 Act.

## Ammunition

9.42. It must be noted that the section 7(3) exemption does not cover ammunition. Therefore a section 5 authority would be needed for prohibited ammunition and a firearm certificate would be required for section 1(1)(b) ammunition. Most handgun ammunition will be section 1. Where a certificate holder wishes to fire their firearm held under section 7(3), the ammunition for that firearm should be kept at the designated site unless no section 7(1) handguns in that chambering are held, when section 1 ammunition may be held at home. The certificate should be so conditioned.

9.43. If the ammunition is not easily available, then arrangements can be made for the certificate holder to “hand load” at the site. The basic machinery (usually a single stage press) for this will be provided at the site but the appropriate dies, powders, primers, bullets and cartridge cases should be supplied by the certificate holder. Where ammunition is available, then arrangements should be made for it to be transferred to the site by the supplier for the use of the certificate holder. Home loading of ammunition for 7(3) firearms should be possible if the certificate holder does not also hold a 7(1) in the same chambering (see also paragraph 9.42).

# Chapter 10: Firearm Certificate Procedure

- 10.1 This chapter provides an overview of the firearm certification procedure.
- 10.2 Firearms law and licensing is in place to allow the legitimate possession and use of firearms by those judged safe to do so. The overarching consideration in all firearms licensing is public safety. Please see chapter 11 for the certificate procedure for shotguns.
- 10.3 The purpose of the firearm certificate procedure is to ensure, in so far as is reasonably possible, that a certificate is issued only to a person who
- i) is found to be a 'fit person' and
  - ii) has demonstrated a 'good reason' to own a firearm (see chapter 13).
- 10.4 Firearms legislation and the subject of firearms generally is complex and highly specialised. It is not practicable to provide comprehensive training for every police officer on the administration of the Firearms Acts. It is therefore essential that this guide is available to all police officers and support staff directly involved in the licensing procedures as well as applicants and certificate holders. Where difficulties arise, advice may be sought from the firearms licensing departments of relevant police services. Much knowledge and experience is also held within the shooting and heritage organisations (see Appendix 1) who may also be consulted for advice and information.
- 10.5 Before granting or renewing a firearm certificate, the chief officer of police must be satisfied that the applicant can be permitted to have the firearm(s)/ammunition in their possession without danger to the public safety or to the peace. A home visit should always be carried out before granting a certificate to a first time applicant. This should include an interview and consideration of their security arrangements. At renewal a risk-based assessment may indicate the need for another interview with the applicant or further enquiries about security arrangements. These enquiries may be done over the telephone or by email rather than by home visit, in accordance with the level of the risk assessment. Home visits should always be made by prior appointment and take place at a mutually convenient time.
- 10.6 It is necessary for police forces to make more extensive use of IT systems to mitigate risk caused by certificate holders who come to the notice of the police. The continuous monitoring of integrated IT systems for certificate holders means prompt action to remove firearms and revoke certificates can be taken where necessary. Chief Officers who adopt a risk assessment approach to the consideration of applications to renew firearm certificates may decide a home visit is not necessary in all cases. However, chief officers adopting a risk assessment approach must be satisfied that the applicant can continue to be permitted to have the firearm(s)/ammunition in their possession without danger to public safety or the peace.

## Application

- 10.7 Unless exempt from the certificate requirement, persons who wish to possess, purchase or acquire firearms or ammunition to which section 1 of the 1968 Act applies should complete the prescribed application form (Form 201). By virtue of the Rehabilitation of Offenders Act 1974 (Exemptions) Order 1975, the provisions of the Rehabilitation of Offenders Act 1974 do not apply to an application for the grant or renewal of a firearm certificate. An applicant is therefore not entitled to withhold information about any previous conviction, however old or minor (including motoring) offences, on the grounds that it is “spent” for other purposes. This includes convictions outside Great Britain, but see rule 3(1) of the Firearms Rules 1998. A conditional discharge and an absolute discharge both count as convictions for this purpose. Details of fixed penalty notices and parking offences do not need to be declared. If in doubt, it is better to disclose.
- 10.8 Applicants are required to enter the calibre and type of firearm(s) and ammunition to be purchased or acquired. The information will normally need to be specific and not cover a range of calibres or a generic group such as .22 CF (centrefire). Form 201 does not require the serial number to be given of the firearm(s) that the applicant wishes to purchase or acquire, as this information is not normally available. There is an exception to this: applicants may include, where available, the identification number of a handgun being acquired under section 7(1) or section 7(3) of the 1997 Act. Normally, the identification number or other identifying mark will be entered by the transferor in Table One at the back of the firearm certificate.
- 10.9 The 1998 Rules, as provided for in section 26(2) of the 1968 Act, require an application for the grant or renewal of a firearm certificate:
- a) to be accompanied by four identical photographs of a current true likeness of the applicant and sized 45mm x 35mm. If a coterminous certificate application is made, only four photographs are required. Ordinary passport style photographs are suitable for this purpose. A computer generated likeness is acceptable if it is full face, against a plain background and printed on good quality photographic paper; and
  - b) to be accompanied by the details of two people who have agreed to act as referees. They are required to be resident in Great Britain, have known the applicant personally for at least two years, and of good character.
- 10.10 Where the applicant is under 18, any enquiry should normally be conducted in the presence of a legal guardian. Where this is not reasonably possible, for example with a student at a boarding school, another responsible adult must be present and the parents or guardian should be consulted.

## Referees

- 10.11 A referee may be of any background or occupation. A referee must be of good character, and someone whom the police may trust to give honest replies to any queries which the police may make of them regarding the applicant.
- 10.12 Members of the applicant’s family may not act as referees. In the absence of a court ruling, ‘family’ is taken to mean the following: wife, husband, mother, father, son, daughter, sister, brother, aunt, uncle, grandparent and mother/father/sister/brother/son/daughter-in-law.

Cousins are not regarded as immediate family, but co-habiting or civil partners or partners in a same sex marriage should be considered as ‘family’ for these purposes and should not be accepted. Serving police officers, police support staff, or registered firearms dealers may not act as referees.

- 10.13 The judgement about whether a person is fit to be entrusted with firearms (see chapter 12) rests in law with the police and, ultimately, with the courts. The role of the referee is to provide information and opinions that the police can take into consideration when making that judgement. Referees are not expected to offer an “expert” opinion, regardless of their backgrounds. In particular, doctors acting as referees should do so on a personal basis rather than as medical professionals, and they should not therefore be expected to offer any medical opinion as to the applicant’s mental state or likely future behaviour. Doctors would not therefore be expected to charge for acting as referees, since they would be acting in a personal rather than professional capacity.
- 10.14 The referee must have known the applicant personally for at least two years. During this period the referee should have had some reasonable degree of contact with the applicant, whether in a professional, business or social context. While referees need not have any knowledge of firearms or shooting sports, they should be able to comment on the applicant’s general character and background.
- 10.15 As the role of the referee is to offer advice to the police on the applicant’s fitness to possess firearms, the police should be satisfied that the referee is honest and reliable, and can be trusted to offer a fair and sensible view of the applicant. The police will also wish to consider whether a potential referee has criminal convictions (an assessment will have to be made in the individual circumstances taking account of the offences and when they took place), is of intemperate habits or unsound mind, has had a firearm or shotgun certificate revoked due to their misconduct, or might otherwise be considered unfit.
- 10.16 A referee should be open to an assessment of their good character by the police. The ability of the referee to offer a reliable view of the applicant is more important than their profession or status.
- 10.17 Before granting a firearm certificate to a first time applicant, at least one of the applicant’s referees should be contacted. Referees may be contacted by telephone, email or home visit depending on the level of risk. The minimum requirement is that the referee is made aware of the application so they have the opportunity to contact the police with any concerns.
- 10.18 On renewal, a risk based assessment may indicate the need to contact one or more referees.
- 10.19 The police may contact the referee to discuss any matter relating to the application. If the police consider that a referee is unsatisfactory they may invite the applicant to put forward an alternative person to act as a referee. For example, a person might satisfy the statutory requirements in Rule 4 of the Firearms Rules 1998 to act as a referee but be found not to know the applicant well enough to provide an informed reference.
- 10.20 A chief officer of police cannot consider an application for a firearm certificate unless the nominated referees meet the requirements laid down in respect of residence, personal knowledge of the applicant for at least two years and good character. Where the person put forward to act as a referee is ineligible, the application form, photographs and fee should be returned to the applicant and they should be asked to make a fresh application putting forward an alternative referee.

10.21 The Firearms Acts provide no right of appeal where the police consider that a nominated referee does not meet the requirements laid down in the Rules. The right of appeal that exists is against the refusal to grant the certificate or renew the certificate. If the referee meets these requirements then the police may not reject the reference, though they may of course take into account the character of the referee in deciding whether to accept the reference.

## Medical Information

### Consent to information sharing between the GP and police

- 10.22 The application form for firearm certificates requires the applicant to give consent to the sharing of factual medical information between their General Practitioner (GP) and the police, both during the application process and following grant of the certificate while it remains valid.
- 10.23 If an applicant does not have a GP in the UK they do not fulfil the criteria to be issued with a firearm certificate as they cannot complete the application form. Military personnel who are posted abroad and have a MOD GP may still be regarded as resident in the UK for the purposes of the Firearms Act.
- 10.24 If the applicant has declared a relevant medical condition (see list of relevant medical conditions in chapter 12) the police may ask the applicant to obtain and pay for a medical report to assist with their consideration of medical suitability. The medical report should normally be provided to police within one month of the request. If a further medical report is required the police will pay for this.

### Police decision on application

- 10.25 Chief officers of police may reach their own conclusions as to the significance of the medical information supplied based on their own knowledge and experience. Alternatively, they may wish to seek advice from the force medical officer or an independent approved medical practitioner in cases where the medical information supplied is difficult to understand, or where its significance in terms of the possession of firearms is unclear. Police should not consult specialists or consultants unnecessarily. Any final decision as to the applicant's fitness, whether on medical or other grounds, should be taken by the properly authorised officer in the usual way.

### Letter from police to GP

- 10.26 Following grant of the certificate the police will contact each certificate holder's GP to ask them to place an **encoded reminder** on the patient record so that the GP is aware the person is a firearm certificate holder. The code indicates that the person concerned 'has a shotgun certificate' and/or 'has a firearm certificate.' This enables the GP to discuss the issue with the patient and if necessary inform police if they have concerns about the person's medical fitness which arise during the validity of the certificate. The letter also explains that the police will inform the GP if the certificate subsequently lapses or is revoked or cancelled, whereupon the GP can inactivate the firearm code.
- 10.27 In most cases the GP will not have been contacted by police during the application process (as this will usually only happen if the applicant has declared a medical condition),

and the letter will normally ask if the GP has concerns about the person's possession of a firearm certificate or if they have suffered from a relevant medical condition (over the previous five years) which could affect their suitability to possess a firearm or shotgun certificate. There is no expectation of a fee being charged for this check.

## Information provided by GP to police

10.28 If the certificate holder does in fact suffer from a relevant medical condition or the GP has concerns about their access to firearms, the GP should contact the police by letter or email within 21 days of receiving the letter from the police. If the GP indicates that they have concerns or there are relevant issues but does not provide further details, then the police may request and pay for a medical report.

## Encoded reminder on patient record

10.29 The encoded reminder enables the GP to consider notifying the police if a person's medical condition gives rise to concern during the validity of the certificate. The GP should place the encoded reminder on the patient's record when they receive the letter from the police following grant of the certificate.

10.30 There is no requirement for a GP to monitor or assess a patient who currently holds a firearm certificate, but there is a duty for a doctor to disclose information where they believe the patient may present a risk of death or serious harm to themselves or others.

10.31 It is open to a GP to approach the police at any time in order to pass on information of possible concern about an individual, whether a patient or not, who possesses firearms or is applying to do so. The GP would have to be satisfied that their public duty to express their concerns outweighed the normal requirements of patient confidentiality. It may be necessary in some cases where the police need guidance on the significance of the medical issues raised for advice to be sought from another GP or specialist.

## GP inactivates the encoded reminder

10.32 The police must inform the GP within one month if the certificate is revoked or cancelled, or if it expires and is not renewed. The GP can then inactivate the encoded reminder on the patient's record.

## Scotland

10.33 This guidance on medical evidence applies in England and Wales. As processes in Scotland may differ separate guidance is being issued regarding medical information in Scotland. The firearm and shotgun application forms apply in England, Wales and Scotland.

## Grant or Refusal

10.34 The most important duty imposed by the 1968 Act on the police is that of deciding whether or not a firearm certificate should be granted. The criteria which chief officers of police should apply in exercising their discretion are set out in section 27(1) of the 1968 Act. A chief officer shall grant a firearm certificate where he/she is satisfied that:

- (a) The applicant is fit to be entrusted with a firearm to which section 1 of the 1968 Act applies and is not a person prohibited from possessing such a firearm;

- (b) 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
- (c) In all the circumstances the applicant can be permitted to have the firearm or ammunition in his possession without danger to the public safety or to the peace.

10.35 As this issue is central to the role of the police, fuller guidance on fitness and good reason is set out in chapters 12 and 13 respectively.

10.36 Section 27 of the 1968 Act sets out the criteria for the grant or renewal of a firearm certificate. This, however, does allow chief officers of police discretion to make further enquiries into applications should they wish to do so. To do this, forces can use their own forms in addition to those which are specified in the legislation. Such forms, though, are non-statutory and there is no obligation for applicants to complete them in addition to those which are legally required. Where non-statutory forms are used for this purpose, they should be clearly marked to indicate their status. Non-statutory forms should be avoided, but if they are required for obtaining further specific information, they should be clearly marked to indicate their status – “whilst it is not a legal requirement to complete this form, completion may expedite the application. Any person making any statement on this form which they know or believe to be untrue commits an offence”.

10.37 Chief officers should ensure high risk decisions are approved at an appropriate level of seniority. This is likely to mean, as a minimum, by the firearms licensing manager, and in some cases by an officer or staff member senior to the firearms licensing manager with functional responsibility for firearms licensing. High risk decisions will include, but are not limited to, cases where:

- i. A certificate is granted following a previous refusal or revocation, including by another force.
- ii. A certificate is granted or renewed where there is evidence of violence, domestic abuse or medical unsuitability, or concerns have been raised by someone known to the certificate holder, but based on all the facts of the case, the applicant has been assessed as suitable.
- iii. A decision is made not to revoke a certificate following a review of suitability triggered by an incident during the lifetime of the certificate. This includes cases where firearms have been seized to allow such enquiries to be completed and a decision is made to return those firearms.

10.38 Where the applicant is a serving or former police officer or employee, in the interests of transparency chief officers should ensure both the handling of the application and the decision are overseen by a senior manager. In addition, should a complaint or conflict of interest arise, the matter must be referred to and overseen by the Professional Standards Department.

10.39 Chief officers should give the reasons for their decision to refuse an application for a firearm certificate, and the applicant should be informed that they may appeal against this decision. In the case of refusal, the fee is refunded and the photographs returned.

10.40 The assessment of good reason will be crucial to consideration of applications, and this is covered in detail in chapter 13. “Good reason” should be neither confined to need nor equated with desire. Most firearm certificate holders possess firearms for reasons of their

profession, sport recreation, or collecting, study or research and may properly wish to exercise discretion as to what types of firearms they choose for these purposes. On the other hand, a simple wish to own a particular sort of firearm is not in itself “good reason” without further supporting evidence of intentions. Chief officers of police should be mindful of case law ('Anderson v Neilans (1940)' and 'Joy v Chief Constable of Dumfries and Galloway (1966)') which suggests that the chief officer should consider the application firstly “from the standpoint of the applicant rather than from that of a possible objector”. “Good reason” will need to be demonstrated for each firearm to be held under section 1 of the 1968 Act.

## Representatives of Foreign States and Commonwealth countries

10.41 A person who enjoys diplomatic privilege, whether representing a government or international organisation, is expected to hold a certificate in respect of any firearm to which section 1 of the 1968 Act applies, which is used or carried outside the confines of the embassy, consulate or similar establishment. The principles which normally govern the granting of certificates should be observed. The Diplomatic Privileges Act 1964 and the Vienna Convention on Diplomatic Relations 1961 exempt diplomats from payment of the certificate fee. Diplomatic privileges have also been extended to some international bodies, for example the International Maritime Organisation. Any enquiries about the status of such an organisation or its employees should be referred to the International Organisations Team, Diplomatic Missions and International Organisations Unit, Protocol Directorate, Foreign and Commonwealth Office.

## Prohibited weapons

10.42 Under section 31(1) of the 1968 Act, a chief officer of police has no discretion to refuse the grant of a firearm certificate in respect of a prohibited weapon or ammunition for which an authority has been issued by the Secretary of State or the Scottish Ministers.

## Prescribed Conditions

10.43 The Firearms Rules 1998 prescribe certain conditions subject to which firearm certificates shall be held, the main object of which is to impress upon certificate holders the importance of ensuring the safe custody of firearms and ammunition. Failure to comply with certain conditions may result in revocation, however each case must be determined on its merits. These conditions are set out below:

- (i) the first condition requires the holder, on receipt, to sign the certificate in ink with his/her usual signature. The signature can then serve as an additional means of identity.
- (ii) the second condition requires, within seven days, the notification to the chief officer of police who granted the certificate of any case of theft, loss or destruction in Great Britain of the certificate and/or the theft, loss, deactivation or destruction of any firearms or ammunition to which it relates. The condition is regarded as fulfilled if the theft or loss is reported to any police station within the issuing force area. It is desirable that, in addition, the holder of the certificate reports the theft or loss at once to the police for the area where the theft or loss occurred. In such cases the chief officers of the two police areas concerned should communicate to each other any reports, which either may receive.
- (iii) the third condition requires the certificate holder, without undue delay, to notify any change of permanent address to the chief officer of police who granted the certificate.

- (iv) the fourth condition relates to the safe custody of firearms and ammunition and is as follows:
- a) the firearms and ammunition to which the certificate relates must at all times (except in the circumstances set out in paragraph b) below) be stored securely so as to prevent, so far as is reasonably practicable, access to the firearms or ammunition by an unauthorised person;
  - b) where a firearm or ammunition to which the certificate relates is in use or the holder of the certificate has the firearm with him/her for the purpose of cleaning, repairing or testing it or for some other purpose in connection with its use, transfer or sale, or the firearm or ammunition is in transit to or from such a place in connection with its use or for any other purpose, reasonable precautions must be taken for the safe custody of the firearms or ammunition.

10.44 See also chapter 19 concerning the security of firearms and ammunition.

## Conditions attached by chief officers of police

10.45 Section 27(2) of the 1968 Act gives the chief officer of police powers to attach conditions to firearm certificates where necessary. In the case of 'R v Wakefield Crown Court ex parte Oldfield (1978)' the court gave expression to the common law requirement that a person must exercise individual judgement in all cases. Section 29(1) of the 1968 Act gives the chief officer power to vary, by a notice in writing, any such condition not prescribed by the rules made by the Secretary of State. The notice may require the holder to deliver the certificate to the chief officer within twenty-one days for the purpose of amending the conditions. The certificate may be revoked if the holder fails to comply with such a requirement.

10.46 Possible conditions, which may be applied are listed at Appendix 3 as a guide to firearms licensing officers. They should only be used, where the individual circumstances require it for public safety. Exceptionally, chief officers of police may impose other conditions appropriate to individual circumstances. As the courts have held ('R v Cambridge Crown Court ex parte Buckland, 1998') that there is no right of appeal against the imposition of conditions (as opposed to a refusal to grant or renew a certificate) chief officers will wish to be cautious in imposing conditions that might amount to a constructive refusal to grant or renew a certificate, that is, additional conditions that would make possession or use so difficult as to be redundant in practice. There is a right of appeal against a decision to vary existing conditions in section 29, but not against the initial decision to impose conditions.

10.47 Every effort must be made to limit the number of additional conditions imposed on a firearm certificate and ensure that they are not contradictory. Care should be taken, however, to ensure that all 'good reasons' for which a firearm is possessed are allowed for, for instance stalking and target shooting.

10.48 There is no requirement to establish 'good reason' for additional conditions or the addition of quarry species to an existing condition where 'good reason' already exists for the possession of a firearm in the first instance (See chapter 13). Firearms should be conditioned to provide flexibility with quarry shooting by allowing all lawful quarry (see Appendix 3).

10.49 Conditions setting out arbitrary time limits for acquiring firearms and ammunition should not be imposed. However, the chief officer may during the life of a certificate or at the

time of certificate renewal enquire why an authority to acquire has not been exercised and consider that part of the renewal in the light of the reason given. It should be borne in mind that a collector may face difficulty in finding examples of collectible or heritage firearms suitable for their collections and that a time limit should not apply where reasonable attempts to procure the firearm(s) concerned are being or have been made.

10.50 Chief officers of police are empowered to impose conditions if they think that the circumstances of the individual case mean that the condition is necessary to ensure the effective operation of the firearms controls and to minimise the risk to public safety. Forces should note that those conditions relating to otherwise prohibited firearms and ammunition such as expanding ammunition are statutory. The chief officer does not have discretion to grant a certificate for such firearms and ammunition beyond the terms of the statutory exemptions for these items.

### a) Territorial Conditions on use

10.51 A territorial condition restricts the areas where a firearm may be used by a person who holds a firearm for sporting purposes or for the shooting of problem wildlife. It is important that there should be standardisation of practice amongst forces and for this purpose it is recommended that new certificate holders should be limited to land considered suitable by the chief officer. When a chief officer is satisfied that a certificate holder has gained sufficient competence with a particular calibre or class of firearm the less restrictive condition may be considered appropriate (see Appendix 3). In all circumstances the “any lawful quarry condition” should be applied (see appendix 3).

### b) Land Inspection

10.52 This is covered in detail in chapter 13.

### c) Zeroing

10.53 Zeroing is the process of adjusting the sights of a rifle so that the aim corresponds to the mean point of impact at the chosen distance. When the sights are harmonised, the bullet impacts where the shooter is aiming. Any small change either to the rifle or to the ammunition used will change the impact point of the bullet and necessitate re-zeroing. Those managing wildlife must be allowed to zero their equipment. The relevant parts of the appropriate condition in Appendix 3 should be added to a certificate of somebody who is permitted to possess a firearm for these purposes.

### d) (Section 1) Smooth-bore guns

10.54 In the case of an application in respect of a smooth-bore gun to which section 1 of the 1968 Act applies, it will not be necessary for specific areas of land over which the applicant has permission to shoot to be examined where section 2 shotgun cartridges are used. See Appendix 3 for relevant conditions for shooting of vermin, practical target shooting disciplines or other forms of target shooting.

## Completion of Certificates

10.55 Firearm certificates must be to the like effect of Form 202. The following parts of the certificate are to be completed by the police before it is sent to the applicant:

- (a) the number of the certificate;
- (b) the commencement and expiry dates of the period of validity. A firearm certificate is valid for a period of five years;
- (c) the name and address of the holder;
- (d) the date of birth of the holder;
- (e) the details (including the description or identification number where known) of each of the firearms in the applicant's possession;
- (f) the details of each of the firearms the applicant is authorised to acquire;
- (g) the amount of ammunition the applicant is authorised to possess;
- (h) any such conditions which pertain to the firearms or ammunition to which the certificate relates;
- (i) the official crest of the police force issuing the certificate together with the signature of the chief officer of police; and
- (j) Owing to the differences in the firearms licensing database used in Scotland, the firearm certificate issued there is slightly different to those issued in England and Wales. The content of the certificate in both jurisdictions, however, is identical. This difference is allowed for under rule 2(f) of the Firearms Rules 1998.

10.56 The certificate does not require the identification numbers of those firearms authorised to be purchased or acquired to be entered, (see paragraph 10.9).

10.57 If there are a number of people with good reason to share property and a gun cabinet, permission can be provided to all parties to acquire. In these circumstances, the buyer/recipient should have the seller/donor complete Table I of his/her certificate. It is the buyer's responsibility to endorse the certificates of all those who have shared access/joint ownership. All individuals with shared access/joint ownership will need to arrange for their certificates to be amended accordingly. Notification is still required on every written transfer.

10.58 The certificate requires the following entry as to ammunition:

- the maximum amount authorised to be possessed at any one time

## Renewals

- 10.59 According to section 27(3) of the 1968 Firearms Act, the test for renewal of a firearm certificate is the same as the test for the grant, i.e. the test in section 27(1). Section 28A(1) of the same Act states that the certificate shall continue in force for 5 years from the date when it was granted or last renewed. Thus, the wording of section 28A(1) means that the 5 years start to run from the date when the certificate was granted or renewed, not from the date when the previous certificate elapsed.
- 10.60 The onus for applying to renew a firearm certificate rests with the holder. All forces, however, should issue reminders to their certificate holders well in advance to allow the renewal process to be completed before the original certificate expires. The amount of time depends on how long it takes for a force to process renewal applications and should be tailored accordingly. This should be done either by post or other means. It will be helpful to arrange to combine any personal visit (where deemed necessary under a risk-based approach) with the inspection of the firearms and interview. If no reply to the reminder is received, enquiries should be made to confirm that the holder no longer has possession of the firearms or ammunition to which the certificate relates, or if the certificate has not yet expired, that arrangements have been made to dispose of the firearms and ammunition before expiry.
- 10.61 If a certificate expires before a renewed certificate has been issued and the certificate holder has behaved in a reasonable manner returning the forms in good time, a temporary permit (section 7 Permit) should be issued by default. Certificate holders must not be asked to rely on an expired certificate as an alternative. With regard to renewal, the applicant may submit a photocopy of their certificate and retain the expiring certificate in order to be able to buy ammunition.
- 10.62 Applications for renewal provide the opportunity for reviewing the circumstances of each case and the extent to which the provisions of the Act have been complied with by the holder of the certificate and by persons supplying them with firearms and ammunition. If the applicant's circumstances have changed materially since the original grant or last renewal, for example in their opportunities to use their firearms, special care will need to be taken to ensure that the applicant still satisfies all criteria for the possession of firearms and ammunition. These matters can be discussed and/or reviewed by phone/email or during a personal visit, inspection or interview. Where the chief officer of police decides to refuse an application for a renewal of a certificate, they may wish to consider personal service of the notice, whenever practicable. Informing the applicant of this decision will give them an opportunity to discuss the matter and will help to reduce the number of appeals to the Crown Court. This applies equally to notices of revocation. (See paragraph 10.71)

## Coterminous certificates

- 10.63 Section 11 of the 1988 Act allows the life of a shotgun certificate to be reduced so that it expires on the same date as the applicant's firearm certificate. A reduced fee is payable so long as the shotgun certificate is renewed and made coterminous at the grant or renewal of a firearm certificate. There is no reduced fee when the applicant is applying for grant or renewal of a shotgun certificate but requests the expiry date to coincide with the firearm certificate expiry date.

## Replacement and renewal of certificates granted in another police area

- 10.64 A certificate is renewed by the chief officer of police for the area in which the holder resides (section 28A(1) of the 1968 Act). If applicants are staying only temporarily in a police area and reside elsewhere, they should be referred to the chief officer of police of the area of their usual residence. If an applicant has residences in different police force areas, it is for the individual to decide which force issues their certificate. However, one police force will not normally issue a firearm certificate and another shotgun certificate for the same individual.
- 10.65 Resident usually means having accommodation available for use, and not, for example, rented out (*Burdett v Joslin*, Chief Constable Warwickshire). HM Forces personnel stationed abroad would not normally be issued with a certificate as they are not resident in one particular force area. As above, their parents' or other family address would only be acceptable where it is available for their use. The case of *Mills-Owens v Chief Constable of the Hampshire Constabulary* (2003) is authority for the proposition that a person can have more than one residence, but residence at any particular home has to be established on the facts of a particular case by evidence.
- 10.66 Where a certificate holder moves to another police area, the chief officer of police who receives notification of the change of address should send the complete records to the chief officer for the area to which the certificate holder has moved. The chief officer of the force area that the person has moved to should amend the certificate and inspect the security of the new premises.

## Replacement certificates

- 10.67 Section 32 of the 1968 Act states that a fee is payable to replace a certificate which has been lost or destroyed. A certificate should be replaced without fee if it is very dirty, mutilated, or lacks space for further legible entries to be made. The old certificate should not be returned to the holder.

## Application for variations (section 29(2) of the 1968 Act)

- 10.68 If a certificate holder wants to vary the certificate allowing them to possess or acquire firearms or ammunition, they must apply to the chief officer of police who issued the certificate.
- 10.69 The new application form for the variation of a firearm certificate (Form 202 as published in the Firearms (Amendment) Rules 2014) should be used for applications to vary a certificate. The certificate holder should submit their firearm certificate, along with the completed Form 202, and, where appropriate, the fee, to the firearms licensing department. A fee is payable only in respect of variations which increase the number of firearms to which the certificate relates: if the holder wishes to dispose of one firearm and replace it with another then no fee is payable. It is not normally necessary to re-examine the applicant's circumstances, but this may be necessary in individual cases. Although no time limit is normally placed on acquiring the firearm to which the variation applies, failure to do so over a reasonable period, without good reason, may be taken as lack of genuine intention. As referred to in 10.39, chief officers should take into account any difficulties collectors may face in finding examples of collectible or heritage firearms suitable for their collections. Time limits should

not apply where reasonable attempts to procure the firearm(s) concerned are being or have been made.

- 10.70 Each case should be dealt with on its merits and, provided that the “good reason” and security requirement is met for each firearm, no general limit should be applied in considering any of the following (“good reason” should not be confined to need nor equated with desire – see chapter 13):
- a) number of rounds of ammunition to be held (but see broad guidelines on ammunition amounts in chapter 13);
  - b) total number of firearms to be held;
  - c) number of firearms per calibre; or
  - d) time by which firearms should be purchased.

### “One for one” variations

10.71 A variation is always necessary if a certificate holder wishes to change one of the firearms, even if they wish to purchase one identical to the one they are selling (*Wilson v Coombe*, Queen’s Bench Divisional Court, July 1988). “One for one” variation refers to firearms that are authorised to be acquired following the disposal of a firearm or a request to change an existing authority to acquire. There is no set time in which the certificate holder must apply for a replacement authority once their firearm is disposed of. The keeping of open authorities indefinitely should be discouraged, subject to a collector seeking particular firearms. Applications for “one for one” variations should be made by the certificate holder submitting their firearm certificate together with a completed Form 202 to the police firearms licensing department. Such variations are processed free of charge. In most cases, it will not be necessary to re-examine the applicant’s circumstances. Further enquiries will be necessary, however, if for example the application is for a change of use or for a full-bore firearm when the holder’s shooting club only has facilities for small-bore shooting.

### Variation/Renewal

10.72 Police forces can consider whether to renew a certificate when an application for variation is made near to the certificate expiry date, that is, within two months. The certificate runs from 5 years from the date on which it was granted or last renewed. Variations requested at the time of renewal do not attract a fee.

### Revocations and Cancellations

10.73 A firearm certificate may be revoked by the chief officer of police for the area in which the holder resides, on the grounds specified in section 30A(2)-(5) of the 1968 Act (as amended). The courts also have the power under section 52(1) of the 1968 Act to cancel certificates. Forces must give specific reasons for their decision to revoke a firearm certificate. Section 30A(6) of the 1968 Act (as amended) provides a right of appeal against the decision to revoke in accordance with section 44 of the same Act.

10.74 Where police forces have serious concerns about a certificate holder’s continued access to firearms prompt action must be taken to ensure no preventable harm is caused to

public safety. This may involve the certificate holder being invited to voluntarily surrender their firearms, ammunition and certificate pending a review of their continued suitability to be issued with a firearm certificate. Such a review should be carried out expeditiously, with the certificate holder informed of the progress. Should the enquiry have the result that there is no danger to the public safety, the firearms, ammunition and certificates should be returned as soon as practicable. Care should be taken in the transport and storage of guns concerned, which may have considerable monetary value in some cases.

- 10.75 When chief officers of police revoke certificates they must serve on the holder a written notice requiring them either to:
- a) surrender their certificate within 21 days of the date of the notice (or the date of the abandonment or dismissal of the appeal against revocation); or where the chief officer considers that the circumstances of the case justify it
  - b) surrender forthwith their certificate and any firearms and ammunition in their possession by virtue of the certificate as set out in section 12 of the Firearms (Amendment) Act 1988.
- 10.76 Article 2 of the Electronic Communications Order (SI 2011/713) amends the 1968 Act to reflect that any notice to be given under that Act to a person may be given by signed for and special delivery post or by electronic means such as email or fax. A certificate holder who fails to comply with such a notice is liable to a penalty. Where email is used as a means of notification, it is good practice to request acknowledgement of receipt in order to confirm safe receipt. Personal service of the notice to revoke, whenever practicable, gives the person an opportunity to discuss the matter and might help to reduce the number of appeals to the Crown Court.
- 10.77 When a certificate has been cancelled by a court order under section 52 of the 1968 Act, or revoked by the chief officer of police after the holder has failed to comply with a notice under section 29(1) of the 1968 Act (requiring them to deliver up the certificate for variation), the chief officer must send the holder a notice in writing (see above). Under section 12(1) of the 1988 Act, a chief officer may only send a notice which requires the recipient to comply with it immediately after the firearm certificate has been revoked on the grounds specified in section 30A(2)-(4) of the 1968 Act (as amended). Revocation on these grounds does not preclude the use of option (a), and it should only be necessary to use option (b) when a delay in the certificate holder relinquishing their certificate and firearms would pose a direct danger to themselves, public safety or to the peace. Section 12(1) should not be used where firearms and certificates are already in police possession.
- 10.78 Under section 30B of the 1968 Act, chief officers of police may partially revoke certificates, that is to say revoke those parts of certificates that relate to the possession or acquisition of particular firearms or ammunition, if they are satisfied that the holder no longer has a “good reason” for having in his possession, or for purchasing or acquiring, the firearms or ammunition concerned to which the partial revocation relates. Where this is necessary, the chief officer should normally give notice of intention, as they would with a full revocation, citing the reasons for the revocation. Note that there is no power of partial “refusal to renew”. The section 12(1) power will be applicable if there is a revocation under 30A(2),(3) or (4) or section 30C after a partial revocation under section 30B. But if there has only been a partial revocation under section 30B, then the power in section 12(1) of the 1988 Act won’t apply. Section 12(1) is expressed as a discretion i.e. the chief officer of police may require the certificate holder to surrender the certificate and firearms immediately, but the chief officer of police is not duty bound to do so.

- 10.79 The certificate holder has a right of appeal and the police can only retain the firearms and ammunition if they have been surrendered due to a notice served under section 12(1) of the 1988 Act. Otherwise the firearms and ammunition will need to be released during an appeal period to a suitably authorised person acting on behalf of the owner. Section 12(1) of the 1988 Act does not apply in a case where the certificate has been partially revoked under section 30B of the 1968 Act. If the appeal against revocation succeeds, any firearms and ammunition surrendered by virtue of section 12(1) must be returned to the appellant at the earliest opportunity. On the dismissal of an appeal, the court may make such order for disposal of any surrendered firearm as it thinks fit. Unless such an order is made, the applicant retains title to the firearms. Care should be taken in the transport and storage of guns concerned, which may have considerable monetary value in some cases.
- 10.80 If no appeal is brought, or if the appeal is abandoned, the firearms and ammunition should be disposed of in a manner agreed with the owner, who retains title. In the absence of an agreement chief officers of police must take all reasonable steps to ensure the guns are deposited with a suitably authorised person so that the owner can decide on whether to store or realise value etc. Disposals and failure to take reasonable steps may leave chief officers liable to charges of conversion. Should all reasonable avenues be exhausted, the police must then give the owner notice in writing of how they intend to dispose of the firearms and ammunition and the owner may appeal against the decision of revocation or partial revocation in accordance with section 44 of the 1968 Act. The court may then either dismiss the appeal or make such order as to the disposal of the firearms and ammunition as it thinks fit. In all cases, the police should keep records of how and where firearms have been disposed.

## Police Records and Procedures

- 10.81 In England and Wales, police forces use National Firearms Licensing Management System (NFLMS) to administer firearms licensing. Police forces can record on NFLMS the nominal details of all applicants and certificate holders and the status of those certificates including firearms possessed and further details such as how they are stored. It should be noted that whilst NFLMS is the system used in England and Wales, this does not apply in Scotland. In the event of a certificate holders' death, a Permit in order to dispose of the certificated arms may be issued to the Executor or their nominated agent.
- 10.82 If there is an appeal, the fact and result should be noted on NFLMS. Results of police inquiries and intelligence information relevant to the certificate holder's circumstances should be integrated within the records. Care should be taken to ensure consistency in recording the types of firearms. If a firearm certificate is revoked (section 30A of the 1968 Act, as updated by section 40 of the 1997 Act) or cancelled (section 52(1) of the 1968 Act), this should, be reflected on NFLMS.
- 10.83 It may not always be practicable to recover the certificate where an individual has gone abroad. If the certificates are recovered, the records can be restricted to what may be worth keeping permanently, but the certificate should first be checked against the record and against any notices of sale received under sections 32 to 35 of the 1997 Act.

# Chapter 11: Shotgun Certificate Procedure

11.1 This chapter provides an overview of the shotgun certificate procedure.

## Introduction

- 11.2 Shotgun certificates are the mechanism for licensing smooth-bore guns that do not require firearm certificates (see chapter 2). The shotgun certificate differs from the firearm certificate in that it authorises a person to have in their possession, purchase, or to acquire, an unlimited number of shotguns without the need for approval in respect of individual guns.
- 11.3 The certificate must specify the description of the shotguns to which it relates, including, if known, the identification number of the guns. Shotguns held on loan for less than 72 hours do not have to be entered on Table 2 of the certificate, nor does notification of temporary transfer have to be given by either party.
- 11.4 Although a shotgun certificate is not required in order to possess or acquire shotgun cartridges used with section 2 shotguns, the production of a certificate (the original not a photocopy) is necessary as required by section 5 of the Firearms (Amendment) Act 1988 (see Para 5.12) in order to purchase such cartridges (unless the purchaser can show that they are entitled to possess a shotgun without a certificate, is a registered firearms dealer, or is a person who sells such cartridges by way of trade or business). Ammunition not exempted by section 1(4) of the 1968 Act may be possessed or acquired only by a firearm certificate holder. A person may purchase shotgun ammunition for a certificate holder, if they produce that person's certificate, together with written authority from the certificate holder to purchase the ammunition for them. Note that this section only applies to sales.

## Application

- 11.5 An application for a shotgun certificate must be made in the prescribed form (Form 201) to the chief officer of police for the area in which the applicant resides. By virtue of the Rehabilitation of Offenders Act 1974 (Exemptions) Order 1975, the provisions of the Rehabilitation of Offenders Act 1974 do not apply to an applicant for a shotgun certificate. An applicant is, therefore, not entitled to withhold information about a previous conviction on the grounds that it is for other purposes spent under the 1974 Act. This includes motoring offences, bind overs, cautions and convictions in and outside Great Britain, and (by virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975) convictions which are spent under the 1974 Act. A conditional discharge and an absolute discharge both count as convictions for this purpose. Details of fixed penalty notices and parking offences do not need to be declared. If in doubt, it is better to disclose.

- 11.6 The application form does not require applicants to provide details of the shotguns to be purchased or acquired, though an applicant for renewal must give details of the guns currently possessed. It is a legal requirement to send a notification of a transaction involving a shotgun to the firearms licensing department via recorded or permitted electronic means within seven days of the transfer. See also 11.3 regarding 72 hour loan.
- 11.7 The Firearms Rules 1998, as provided for in section 26(2) of the 1968 Act, require an application for the grant or renewal of a shotgun certificate:
- a) to be accompanied by four identical photographs of a current true likeness of the applicant and sized 45mm x 35mm. If a coterminous certificate application is made, only four photographs are required. Ordinary passport style photographs are suitable for this purpose. A computer generated likeness is acceptable if it is full face, against a plain background and printed on good quality photographic paper; and
  - b) to be accompanied by the details of a person who has agreed to be a referee for the applicant. They are required to be resident in Great Britain, have known the applicant personally for at least two years, and of good character.
- 11.8 Members of the applicant's family may not act as a referee. In the absence of a court ruling, 'family' is taken to mean the following: wife, husband, mother, father, son, daughter, sister, brother, aunt, uncle, grandparent and mother/father/sister/brother/son/daughter-in-law. Cousins are not regarded as immediate family, but co-habiting or civil partners or partners in a same sex marriage should be considered as 'family' for these purposes and should not be accepted. Serving police officers, police support staff, or registered firearms dealers may not act as referees.
- 11.9 The judgement about whether a person can possess shotguns without danger to public safety or the peace rests in law with the police and, ultimately, with the courts. The role of the referee is to provide information and opinions that the police can take into consideration when making that judgement. Referees are not expected to offer an "expert" opinion, regardless of their backgrounds. In particular, doctors acting as referees should do so on a personal basis rather than as medical professionals, and they should not therefore be expected to offer any medical opinion as to the applicant's mental state or likely future behaviour. Doctors would not therefore be expected to charge for acting as referees, since they would be acting in a personal rather than professional capacity.
- 11.10 The referee may be of any background or occupation and must have known the applicant personally for at least two years. During this period the referee should have had some reasonable degree of contact with the applicant, whether in a professional, business or social context. While referees need not have any knowledge of firearms or shooting sports, they should be able to comment on the applicant's general character and background.
- 11.11 As the role of the referee is to offer advice to the police on the applicant's suitability to possess firearms, the police should be satisfied that the referee is honest and reliable, and can be trusted to offer a fair and sensible view of the applicant. The police will also wish to consider whether a potential referee has criminal convictions (an assessment will have to be made in the individual circumstances taking account of the offences and when they took place), is of intemperate habits or unsound mind, has had a firearm or shotgun certificate revoked due to their misconduct, or might otherwise be considered unfit.

- 11.12 Referees should be open to an assessment of their good character by the police. The ability of the referee to offer a reliable view of the applicant is more important than their profession or status.
- 11.13 Before granting a shotgun certificate to a first time applicant the applicant's referee should be contacted. Referees may be contacted by telephone, email or home visit depending on the level of risk. The minimum requirement is that the referee is made aware of the application so they have the opportunity to contact the police with any concerns.
- 11.14 On renewal, a risk based assessment may indicate the need to contact the referee.
- 11.15 The police may contact the referee to discuss any matter relating to the application. If the police consider that a referee is unsatisfactory they may invite the applicant to put forward an alternative person to act as a referee. For example, a person might satisfy the statutory requirements in Rule 6 of the Firearms Rules 1998 to act as a referee but be found not to know the applicant well enough to provide an informed reference.
- 11.16 A chief officer of police cannot consider an application for a shotgun certificate unless the nominated referee has met the requirements laid down in respect of residence, personal knowledge of the applicant for at least two years and his or her good character. Where the person put forward to act as a referee is ineligible, the application form, photographs and fee should be returned to the applicant and they should be asked to make a fresh application putting forward an alternative referee.
- 11.17 The Firearms Acts provide no right of appeal where the police consider that a nominated referee does not meet the requirements laid down in the Rules. The right of appeal that exists is against the refusal to grant the certificate or renew the certificate. If the referee meets these requirements then the police may not reject the reference, though they may of course take into account the character of the referee in deciding whether to accept the reference.
- 11.18 Chief officers should ensure high risk decisions are approved at an appropriate level of seniority. This is likely to mean, as a minimum, by the firearms licensing manager, and in some cases by an officer or staff member senior to the firearms licensing manager with functional responsibility for firearms licensing. High risk decisions will include, but are not limited to, cases where:
- i. A certificate is granted following a previous refusal or revocation, including by another force.
  - ii. A certificate is granted or renewed where there is evidence of violence, domestic abuse or medical unsuitability, or concerns have been raised by someone known to the licence holder, but based on all the facts of the case, the applicant has been assessed as suitable.
  - iii. A decision is made not to revoke a certificate following a review of suitability triggered by an incident during the lifetime of the certificate. This includes cases where firearms have been seized to allow such enquiries to be completed and a decision is made to return those firearms.

- 11.19 Where the applicant is a serving or former police officer or employee, in the interests of transparency chief officers should ensure both the handling of the application and the decision are overseen by a senior manager. In addition, should a complaint or conflict of interest arise, the matter must be referred to and overseen by the Professional Standards Department.
- 11.20 An applicant is informed in the notes on the form that unless instructed otherwise by the police, they should post or take the completed form with the fee and photographs to their local police firearms licensing department.

## Grant or Refusal

- 11.21 The 1988 Act revised the criteria set out in section 28 of the 1968 Act for the grant or renewal of a shotgun certificate so as to allow chief officers of police more discretion to make enquiries into applications. Where non-statutory forms are used for this purpose, they should be clearly marked to indicate their status. Non-statutory forms should be avoided, but if they are required for obtaining further specific information, they should be clearly marked to indicate their status – “whilst it is not a legal requirement to complete this form, completion may expedite the application. It is an offence for a person knowingly or recklessly to make any statement which is false in any material particular for the purpose of procuring (whether for himself or another) the grant or renewal of a certificate under this Act”.
- 11.22 It is important to note how the criteria differ from those in respect of applications under section 1 of the 1968 Act. No certificate shall be granted or renewed if the chief officer of police:
- a) has reason to believe that the applicant is prohibited by the Act from possessing a shotgun; or
  - b) is satisfied that the applicant does not have a good reason for possessing, purchasing or acquiring one.
- 11.23 Section 28(1B) of the 1968 Act, as substituted by section 3(1) of the 1988 Act, provides for sporting or competition purposes and shooting vermin to be regarded as good reasons for possessing a shotgun. Collecting, study and research may also be considered good reason as in the case of section 1 firearms. That sub-section also states that an application shall not be refused by virtue of that paragraph merely because the applicant intends neither to use the gun himself nor to lend it for anyone else to use. This is likely to be the case when the shotgun is of special significance to the applicant, such as an heirloom or is of some other sentimental value and may also be considered good reason to possess a shotgun. A chief officer should make further enquiries where it comes to their notice that there may be genuine doubts about the applicant’s reason for wishing to possess a shotgun.
- 11.24 If the grant of a certificate is not so precluded, licensing staff have to satisfy themselves that the applicant can be permitted to possess a shotgun without danger to public safety or to the peace. A home visit should always be carried out before granting a certificate to a first time applicant. This should include an interview and consideration of their security arrangements. At renewal a risk-based assessment may indicate the need for another interview with the applicant or further enquiries about security arrangements. These enquiries may be done over the telephone or by email rather than by home visit, in accordance with the level of the risk assessment. Home visits should always be made by prior appointment and take place at a mutually convenient time.

- 11.25 Applicants are requested to provide contact telephone numbers on Form 201. Where the applicant is a young person under 18, any enquiry should normally be conducted in the presence of a legal guardian. Where this is not reasonably possible, for example with a student at a boarding school, another responsible adult must be present and the parents or guardian should be consulted.
- 11.26 A conviction for a criminal offence which does not result in a sentence to which section 21 of the 1968 Act applies (see paragraph 5.5) may not be a bar to the issue of a shotgun certificate. However, all convictions and intelligence which might cast doubt on the suitability of an applicant to have shotguns without endangering public safety must be considered. Particular attention should be taken of incidents of domestic abuse and patterns of behaviour which involve the applicant. See chapter 12 which deals with the suitability to be issued with both firearm and shotgun certificates.
- 11.27 Any relevant information known to the police about the applicant such as mental illness or other relevant behaviour or medical condition of concern may be taken into account, although it should be remembered that supporting evidence may have to be produced in court if a refused applicant appeals to the Crown Court (in England and Wales) or the Sheriff (in Scotland). Forces should always give reasons for refusing an application for a shotgun certificate. In the event of refusal, the fee is refunded and the photographs returned.

## Medical Information

### Consent to information sharing between the GP and police

- 11.28 The application form for shotgun certificates requires the applicant to give consent to the sharing of factual medical information between their General Practitioner (GP) and the police, both during the application process and following grant of the certificate while it remains valid.
- 11.29 If an applicant does not have a GP in the UK they do not fulfil the criteria to be issued with a shotgun certificate as they cannot complete the application form. Military personnel who are posted abroad and have a MOD GP may still be regarded as resident in the UK for the purposes of the Firearms Act.
- 11.30 If the applicant has declared a relevant medical condition (see list of relevant medical conditions in chapter 12) the police may ask the applicant to obtain and pay for a medical report to assist with their consideration of medical suitability. The medical report should normally be provided to police within one month of the request. If a further medical report is required the police will pay for this.

### Police decision on application

- 11.31 Chief officers of police may reach their own conclusions as to the significance of the medical information supplied based on their own knowledge and experience. Alternatively, they may wish to seek advice from the force medical officer or an independent approved medical practitioner in cases where the medical information supplied is difficult to understand, or where its significance in terms of the possession of firearms is unclear. Police should not consult specialists or consultants unnecessarily. Any final decision as to the applicant's fitness, whether on medical or other grounds, should be taken by the properly authorised officer in the usual way.

## Letter from police to GP

- 11.32 Following grant of the certificate the police will contact each certificate holder's GP to ask them to place an **encoded reminder** on the patient record so that the GP is aware the person is a shotgun certificate holder. The code indicates that the person concerned 'has a shotgun certificate' and/or 'has a firearm certificate.' This enables the GP to discuss the issue with the patient and if necessary inform police if they have concerns about the person's medical fitness which arise during the validity of the certificate. The letter also explains that the police will inform the GP if the certificate subsequently lapses or is revoked or cancelled, whereupon the GP can inactivate the firearm code.
- 11.33 In most cases the GP will not have been contacted by police during the application process (as this will usually only happen if the applicant has declared a medical condition), and the letter will normally ask if the GP has concerns about the person's possession of a shotgun certificate or if they have suffered from a relevant medical condition (over the previous five years) which could affect their suitability to possess a firearm or shotgun certificate. There is no expectation of a fee being charged for this check.

## Information provided by GP to police

- 11.34 If the certificate holder does in fact suffer from a relevant medical condition or the GP has concerns about their access to firearms, the GP should contact the police by letter or email within 21 days of receiving the letter from the police. If the GP indicates that they have concerns or there are relevant issues but does not provide further details, then the police may request and pay for a medical report.

## Encoded reminder on patient record

- 11.35 The encoded reminder enables the GP to consider notifying the police if a person's medical condition gives rise to concern during the validity of the certificate. The GP should place the encoded reminder on the patient's record when they receive the letter from the police following grant of the certificate.
- 11.36 There is no requirement for a GP to monitor or assess a patient who currently holds a shotgun certificate, but there is a duty for a doctor to disclose information where they believe the patient may present a risk of death or serious harm to themselves or others.
- 11.37 It is open to a GP to approach the police at any time in order to pass on information of possible concern about an individual, whether a patient or not, who possesses firearms or shotguns or is applying to do so. The GP would have to be satisfied that their public duty to express their concerns outweighed the normal requirements of patient confidentiality. It may be necessary in some cases where the police need guidance on the significance of the medical issues raised for advice to be sought from another GP or specialist.

## GP inactivates the encoded reminder

- 11.38 The police must inform the GP within one month if the certificate is revoked or cancelled, or if it expires and is not renewed. The GP can then inactivate the encoded reminder on the patient's record.

## Scotland

11.39 This guidance on medical evidence applies in England and Wales. As processes in Scotland may differ separate guidance is being issued regarding medical information in Scotland. The firearm and shotgun application forms apply in England, Wales and Scotland.

### Conditions on Shotgun Certificates

11.40 Section 28(2)(a) of the 1968 Act provides that a shotgun certificate shall be granted or renewed subject to any prescribed conditions and no others. The 1998 Rules as amended, together with other relevant provisions set out on the certificate, provide that a shotgun certificate shall be granted or renewed subject to the following conditions:

- (i) the holder must, on receipt of the certificate, sign it in ink with his/her usual signature;
- (ii) the holder of the certificate must, within seven days, inform the chief officer of police by whom it was granted of the theft, loss or destruction in Great Britain of the certificate; and;
- (iii) the theft, loss, deactivation or destruction in Great Britain of any shotgun to which the certificate relates (as substituted by the Firearms (Amendment) (No. 2) Rules 2013);
- (iv) the holder of the certificate must, without undue delay, inform the chief officer of police by whom the certificate was granted of any change in his/her permanent address;
- (v)
  - (a) that any shotgun to which the certificate relates must at all times (except in the circumstances set out at (b) below) be stored securely so as to prevent, as far as is reasonably practicable, access to the shotguns by an unauthorised person;
  - (b) where a shotgun to which the certificate relates is in use or the holder of the certificate has the shotgun with him/her for the purpose of cleaning, repairing or testing it or for some other purpose connected with its use, transfer or sale, or the gun is in transit to or from a place in connection with its use or any such purpose, reasonable precautions must be taken for the safe custody of the gun (see chapter 19 for additional information).

11.41 The prescribed conditions for shotgun certificates are similar to those prescribed for firearm certificates. When notification of a change of address to another police area is received, the chief officer of police of that area should be sent the relevant documents, or copies of them, and a reference to the removal should be retained by the issuing force. The certificate holder should retain the original certificate until such time as the new force is able to issue a replacement whereupon it should be exchanged.

11.42 It should be noted that chief officers of police are not empowered (as they are with firearm certificates) to impose any conditions of their own on shotgun certificates. However, rule 5(5) of the 1998 Rules and section 5A(3) of the 1968 Act (as amended) provides that when a shotgun which is disguised as another object, is possessed, purchased or acquired by the holder of a shotgun certificate for the purpose only of its being kept or exhibited as part of a collection, the certificate shall be subject to an additional condition restricting the use of that shotgun to use for that purpose. The most common shotgun of this kind will be the walking-stick shotgun or the umbrella shotgun.

## Completion of certificates

11.43 Shotgun certificates must be in the prescribed form (Form 204). The following parts of the certificate are to be completed by the police before it is sent to an applicant:

- a) the number of the certificate;
- b) the commencement and expiry dates of the period of validity. A shotgun certificate is normally valid for a period of five years (but see paragraph 11.22 about coterminous certificates);
- c) the name and address of the holder;
- d) the date of birth of the holder;
- e) the details (including the description or identification number where known) of each of the shotguns currently in the applicant's possession; and
- f) the official crest of the police force issuing the certificate together with the signature of the chief officer of police and the date when the certificate was issued.

## Renewals

11.44 The onus for applying to renew a certificate must rest with the holder. All forces, however, should issue reminders to certificate holders (by post or other means) well in advance to allow the renewal process to be completed before the original certificate expires. Further enquiries will be necessary if the certificate expires without the holder responding. A fresh certificate should be issued with each renewal. If no reply to the reminder is received, enquiries should be made to trace the disposal of any shotguns held by virtue of the certificate. Where the chief officer of police decides to refuse an application for a renewal of a certificate, personal service of the notice, whenever practicable, informing the applicant of this decision will give them an opportunity to discuss the matter and might help to reduce the number of appeals to the Crown Court or, in the case of Scotland, the Sheriff Court. See also chapter 10 on renewals.

11.45 If a certificate expires before a renewed certificate has been issued and the certificate holder has behaved in a reasonable manner returning the forms in good time, a temporary permit (section 7 permit) should be issued by default. Certificate holders must not be asked to rely on an expired certificate as an alternative. With regard to renewal, the applicant may submit a photocopy of their certificate and retain the expiring certificate in order to be able to buy ammunition.

11.46 It is necessary for police forces to make more extensive use of IT systems to mitigate risk caused by certificate holders who come to the notice of the police. The continuous monitoring of integrated IT systems for certificate holders means prompt action to remove firearms and revoke certificates can be taken where necessary. Chief Officers who adopt a risk assessment approach to the consideration of applications to renew shotgun certificates may decide a home visit is not necessary in all cases. However, chief officers adopting a risk assessment approach must be satisfied that the applicant can continue to be permitted to have the shotgun(s) in their possession without danger to public safety or the peace.

## Coterminous certificates

11.47 Section 11 of the 1988 Act provides for chief officers of police to grant or renew a shotgun certificate for a period such that it will expire at the same time as the holder's firearm certificate. The purpose of this provision is to enable both renewal procedures to be carried out at the same time, with a consequent saving to the police and the certificate holder. A firearm certificate holder applying for the grant or renewal of a shotgun certificate can therefore request that it is issued with the same expiry date as their firearm certificate. Alternatively, where shotgun certificate holders apply for the grant or renewal of a firearm certificate, they should be advised that they may surrender their shotgun certificate and apply for a new one at the reduced fee to take effect on the same day as the firearm certificate.

## Replacement certificates

11.48 Section 32 of the 1968 Act states that a fee is payable to replace a certificate which has been lost or destroyed. A certificate should be replaced without fee if it is very dirty, mutilated, or lacks space for further legible entries to be made. The old certificate should not be returned to the holder.

## Revocations and Cancellations

11.49 Where police forces have serious concerns about a certificate holder's continued access to shotguns, prompt action must be taken to ensure no preventable harm is caused to public safety. This may involve the certificate holder being invited to voluntarily surrender their shotguns and certificate pending a review of their continued suitability to be issued with a shotgun certificate. Such a review should be carried out expeditiously, with the certificate holder informed of the progress. Should the enquiry have the result that there is no danger to the public safety, the guns and certificates should be returned as soon as practicable. Care should be taken in the transport and storage of guns concerned.

11.50 Under section 30(C)(1) of the 1968 Act (as amended), a shotgun certificate may be revoked by the chief officer of police if they are satisfied that the holder cannot be permitted to possess a shotgun without danger to public safety or to the peace. A chief officer must revoke a certificate held by a person who has become prohibited under the terms of section 21 of the 1968 Act. Section 110(3) of the Anti-social Behaviour, Crime and Policing Act 2014 is a caveat to this general principle. Forces will be expected to give reasons for their decisions to revoke a shotgun certificate. The courts also have the power under section 52(1) of the 1968 Act to cancel certificates. Section 30(C)(2) of the 1968 Act (as amended) provides for a right of appeal against the decision to revoke.

11.51 When the chief officer of police revokes a certificate they must send the holder a notice in writing requiring them to either:

- (a) surrender the certificate within 21 days of the date of the notice (or the date of the abandonment or dismissal of any appeal against revocation); or where the chief officer considers that the circumstances of the case justify it,
- (b) surrender the certificate and any shotguns held by virtue of the certificate forthwith (as per section 12 of the 1988 Act).

- 11.52 Article 2 of the Electronic Communications Order (SI 2011/713) amends the 1968 Act to reflect that any notice to be given under that Act to a person may be given by 'signed for' and 'special delivery' postal service, or by electronic means such as email or fax. A certificate holder who fails to comply with such a notice (if received) is liable to a penalty. Personal service of the notice to revoke, whenever practicable, gives the person an opportunity to discuss the matter and might help to reduce the number of appeals to the Crown Court or, in the case of Scotland, the Sheriff Court.
- 11.53 When a revocation notice is served, the certificate holder's right of appeal against revocation is unaffected. Under section 12(1) of the 1988 Act, a chief officer may only send a notice which requires the recipient to comply with it immediately after the shotgun certificate has been revoked on the grounds specified in section 30C(1) of the 1968 Act (as amended). Revocation on these grounds does not preclude the use of option (a), and it should only be necessary to use option (b) when a delay in the certificate holder relinquishing their certificate and shotguns would pose a direct danger to themselves, public safety or to the peace. Section 12(1) should not be used where shotguns and certificates are already in police possession.
- 11.54 The certificate holder has a right of appeal and the police can only retain the shotguns if they have been surrendered due to notice being served in terms of section 12(1) of the 1988 Act, otherwise the shotguns will need to be released during an appeal period to a suitably authorised person acting on behalf of the owner at the earliest opportunity. Care should be taken in the transport and storage of guns concerned, which may have considerable monetary value in some cases. If the appeal against revocation succeeds, any shotguns surrendered under section 12(1) must be returned to the successful appellant. On the dismissal of an appeal, the court may make such order for disposal of any shotguns surrendered under section 12(1) as it thinks fit. It must be remembered however that unless such an order is made, the applicant retains title to the shotguns.
- 11.55 If no appeal is brought, or if the appeal is abandoned, the shotguns should be disposed of in a manner agreed with the owner, who retains title. In the absence of an agreement chief officers of police must take all reasonable steps to ensure the guns are deposited with a suitably authorised person so that the owner may decide on whether to store or realise value etc. Disposals and failure to take reasonable steps may leave chief officers liable to charges of conversion. Should all reasonable avenues be exhausted, the police must then give the owner notice in writing of how they intend to dispose of the shotguns and the owner may appeal against the decision in accordance with section 44 of the 1968 Act. The court may then either dismiss the appeal or make such order as to the disposal of the shotguns as it thinks fit. In all cases, the police should keep records of how and where shotguns have been disposed.

## Police Records

- 11.56 The general guidance set out in chapter 10 in respect of firearm certificates also applies in respect of shotgun certificates. In particular, chief officers of police should operate a system under which details of the shotguns acquired and possessed by certificate holders can be recorded. The National Firearms Licensing Management System (NFLMS) is used by all Police Forces in England and Wales for the administration of applications made under the Firearms Acts. In the event of a certificate holder's death, a Permit in order to dispose of the certificated arms will be issued to the Executor or their nominated agent.

## Visitors

11.57 The acquisition of shotguns for export without a certificate and visitors' shotgun permits are dealt with in chapters 6 and 27 respectively.

## Representatives of Foreign States and Commonwealth countries

11.58 A person who enjoys diplomatic privilege, whether representing a government or international organisation, is expected to hold a certificate in respect of any shotgun to which section 2 of the 1968 Act applies, which is used or carried outside the confines of the embassy, consulate or similar establishment. The principles which normally govern the granting of certificates should be observed. The Diplomatic Privileges Act 1964 and the Vienna Convention on Diplomatic Relations 1961 exempt diplomats from payment of the certificate fee. Diplomatic privileges have also been extended to some international bodies, for example the International Maritime Organisation. Any enquires about the status of such an organisation or its employees should be referred to the International Organisations Team, Diplomatic Missions and International Organisations Unit, Protocol Directorate, Foreign and Commonwealth Office.

# Chapter 12: Assessing Suitability

- 12.1 This chapter offers guidance on the issue of a person's suitability to be entrusted with a firearm or permitted to possess a shotgun without danger to the public safety or to the peace.
- 12.2 The "fitness" test applies to firearms by virtue of section 27(1)(a) of the 1968 Act. Whilst the statutory test for shotguns in section 28 does not use the term "fit" or "fitness", many of those considerations will be relevant when granting a shotgun certificate. For example, the assessment of whether the applicant can be permitted to possess a shotgun without danger to the public safety or to the peace as under section 28(1). This chapter contains a list of factors, which should be taken into consideration and is **not** exhaustive.
- 12.3 Police forces must ensure that all relevant information and intelligence is readily available for continuous assessment of the suitability of an individual to possess firearms or shotguns. This is particularly important where there is evidence of domestic violence (see paragraph 12.40).
- 12.4 For the purposes of this chapter, the term 'firearms' includes shotguns, unless otherwise stated. This approach is in accordance with the definition of firearm in section 57(1) of the 1968 Act.

## The test for firearms against section 27 of the 1968 Act

- 12.5 Section 27(1) of the 1968 Act (as amended) states that:

"A firearm certificate shall be granted where the chief officer of police is satisfied that:

- (a) the applicant is fit to be entrusted with a firearm to which section 1 of this Act applies and is not a person prohibited by this Act from possessing such as firearm;
- (b) that he 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
- (c) that in all the circumstances the applicant can be permitted to have the firearm or ammunition in his possession without danger to the public safety or to the peace".

- 12.6 Section 30A(2) of the 1968 Act (as amended) states that:

"The [firearm] certificate may be revoked if the chief officer of police has reason to believe:

- (a) that the holder is of intemperate habits or unsound mind or is otherwise unfitted to be entrusted with a firearm; or
- (b) that the holder can no longer be permitted to have a firearm or ammunition to which the certificate relates in his possession without danger to the public safety or to the peace".

## The test for shotguns

- 12.7 Section 28(1) of the 1968 Act states that “subject to subsection (1A) below, a shotgun certificate shall be granted or, as the case may be, renewed by the chief officer of police if he is satisfied that the applicant can be permitted to possess a shotgun without danger to the public safety or to the peace”.
- 12.8 Section 30C(1) of the 1968 Act (as amended) states that the shotgun certificate may be revoked on the grounds that the chief officer of police is satisfied that the holder is prohibited from possessing a shotgun, or that they can't be permitted to possess one without danger to the public safety or to the peace.

## Factors to be taken into account

- 12.9 The chief officer of police must, when assessing an application for the grant, renewal, or revocation of, a firearm or shotgun certificate, consider the following factors:

### i) Prohibited persons and others known/suspected of criminal involvement

- 12.10 Section 21 of the 1968 Act sets out restrictions on the possession of firearms by certain categories of persons convicted of crimes in England, Wales and Scotland. In short, persons who are sentenced to a term of imprisonment or detention/custody at a young offender's institution of three years or more are never allowed to possess firearms, including antique firearms, or ammunition and persons who are sentenced to a term of imprisonment for three months or more but less than three years must not possess them until five years have passed since the date of release. Persons with suspended sentences of three months or more must not possess firearms, including antique firearms, or ammunition for a period of five years from the second day after the date on which sentence has been passed (see Chapter 5)<sup>1</sup>. In both these circumstances, the prohibited person may appeal to the Crown Court, or in Scotland, in accordance with Act of Sederunt to the sheriff for the prohibition to be lifted, and such an appeal may succeed if the conviction was for an unrelated crime.
- 12.11 Different provisions apply to Northern Ireland, by virtue of the Firearms (Northern Ireland) Order 2004. Those sentenced to imprisonment or detention in a young offender's centre are not permitted to purchase, acquire or possess a firearm or ammunition unless the term to which they were sentenced is less than three years. A person sentenced to imprisonment for a term of three months or more but less than three years, or detention in a young offender's centre or juvenile justice centre for such a term cannot purchase, acquire or possess a firearm or ammunition until eight years from the date of their conviction.
- 12.12 Consideration must also be given to any previous convictions or cautions, where the applicant does not fall within the provisions of section 21. This would include cautions held by persons for offences such as a failure to comply with conditions on a firearm certificate (taking account of the seriousness of the breach of conditions).

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<sup>1</sup> Section 110 Anti-social Behaviour, Crime and Policing Act 2014

- 12.13 Although convictions overseas do not count towards prohibition, they will need to be considered in relation to questions of fitness/suitability. Chief officers of police will also want to be aware of the following judgements – although these cases were decided on their particular facts, they offer broad guidance that may be applicable elsewhere:
- (a) 'Dabek v Chief Constable of Devon and Cornwall (1991)', where the court ruled that a woman of good character should not possess a gun where her husband had two ancient drug convictions but still associated with drug users;
  - (b) 'Chief Constable of Essex v Germain (1991)', where the court ruled that a chief officer was entitled, in revoking a shotgun certificate, to take into account the certificate holder's drink driving convictions. It was felt that this demonstrated irresponsibility and lack of self-control and justified the chief officer believing there was a future risk to the peace involving the shotgun; and
  - (c) 'Spencer-Stewart v Chief Constable of Kent (1989)', where the court ruled that the certificate holder's handling stolen goods conviction was considered not to pose any future risk in relation to possession of a shotgun, and thus the revocation of the certificate was not justified.
- 12.14 A series of convictions is likely to be sufficient evidence of unfitness, even if one on its own would not be sufficient to justify refusal or revocation, unless the convictions are well in the past. Whether the applicant is found to have knowingly or recklessly made a false statement in order to obtain a certificate is of particular relevance; deliberate failure to declare relevant convictions, medical conditions or medical history would tend to suggest unfitness to hold a certificate, regardless of whether the certificate would have been refused if the appropriate declaration had been made.
- 12.15 In addition, consideration must also be given to arrests, police call-outs or bind overs in relation to:
- i. any activity which involves the use of a firearm
  - ii. offences involving violence (including domestic violence)
  - iii. offences involving dishonesty or a disregard for public safety
- 12.16 Information contained in criminal intelligence must be assessed, paying particular regard to alleged or known involvement in criminal offences, particularly those involving the use or threat of violence or firearms, or evidence of associations with known criminals. Allegations or intelligence which has not resulted in conviction may nonetheless be evidence of unfitness or unsuitability, especially if a number of allegations have been received from different sources and the intelligence is judged to be credible and reliable.
- 12.17 Chief officers of police should bear in mind that information contained in police intelligence has not necessarily been tested in a criminal court and proven beyond reasonable doubt, as is required for a criminal conviction. In the event of an appeal against the refusal/ revocation of the certificate, a court would place less weight on hearsay evidence than on direct evidence, and this should be borne in mind by chief officers when making those decisions. In the interests of fairness, the applicant should be given the opportunity to comment on any allegations made against them which have not been tested by the courts.

- 12.18 Chief officers should think critically about the reliability of the source where an allegation is made against an applicant, including whether the source has any motivation to discredit the applicant.
- 12.19 The test to be applied in considering whether an applicant is unfit in the light of such allegations or intelligence is twofold: firstly, whether any such allegations would, if substantiated, be enough to render an applicant unfit/unsuitable. Second, whether, in light of all of the different types of evidence and information considered, the chief officer of police is satisfied that the applicant can be permitted to possess the firearm or shotgun without a danger to public safety or to the peace. Chief officers of police should, however, consider that any such information might have to be placed before a court if the applicant appeals.
- 12.20 When an applicant is a foreign national or has lived several years overseas the enquiries should be made through Interpol with the authorities of the country concerned to ensure that the applicant has no criminal record overseas that would have a bearing on their "fitness". This includes applicants from overseas who have been granted British citizenship.

## ii) Intemperate habits

- 12.21 The term 'intemperate habits' appears in section 30A of the Firearms Act 1968 as part of the test for revoking firearms certificates. The term means having a lack of self-control. It should be noted that the term 'intemperate habits' does not appear in the test for revoking a shotgun certificate. However, it may be relevant to the assessment of whether the applicant can be permitted to possess a shotgun without danger to the public safety or the peace as under section 28(1).
- 12.22 Factors for consideration include:
- (a) Evidence of alcohol or drug abuse that may indicate that a person is unfit/unsuitable to possess a firearm due to the possible impairment of judgement and loss of self-control. The relevant case law here is "Luke v Little" (1980) supported by "Chief Constable of Essex v Germain" (1991). An assessment will need to be made into the circumstances of each case. Usually, it will be a pattern of behaviour that causes concern but there may also be cases where one-off incidents will bring into question the fitness/unsuitability of somebody to possess firearms. In the case of "Lubbock v Chief Constable of Lothian and Borders" (2001) the Sheriff ruled that the revocation of a firearms and shotgun certificate following one isolated drink driving incident was justified given the individual's general attitude towards the offence;
  - (b) Evidence of aggressive or anti-social behaviour, which may include domestic disputes or evidence of hostility likely to lead to violent acts against particular groups categorised by, for example, race, gender, disability, sexual orientation, age, religion or class. As at (a) above, an assessment will need to be made of each case, particularly as regards the seriousness of individual incidents; or
  - (c) Evidence of disturbing and unusual behaviour of a kind which gives rise to well-founded fears about the future misuse of firearms. A pattern of abuse should generally be regarded more seriously than a single incident, although isolated incidents should not be disregarded in the assessment of the person concerned and their fitness to possess a firearm.

## iii) Unsound mind

- 12.23 The term 'unsound mind' appears in section 30A of the Firearms Act 1968 as part of the test for revoking firearms certificates. It should be noted that the term 'unsound mind' does not appear in the test for revoking a shotgun certificate. However, it may be relevant to the assessment of whether the applicant can be permitted to possess a shotgun without danger to the public safety or to the peace as under section 28(1).
- 12.24 This is a particularly difficult and sensitive area and it is not possible to provide a definition that covers every eventuality. It is impractical for a psychiatric assessment to be conducted on an applicant's suitability to possess firearms. However, chief officers of police should be alert to cases in which a General Practitioner's (GP) report reveals that an applicant has exhibited, or is exhibiting, signs of serious depression, suicidal tendencies, or long-standing or intermittent periods of either emotional instability or unpredictable behaviour. Chief officers should also be alert to any of these signs exhibited by existing certificate holders. This includes persons who have been detained under the civil powers in Part 2 of the Mental Health Act 1983 where it is necessary for the health and safety of the person or for the protection of other people. (The Mental Health (Care and Treatment) (Scotland) Act 2003 contains provisions covering similar situations).
- 12.25 Particular attention should be paid to anyone who has previously been subject to a hospital order, guardianship order or restriction order under the provisions of Part 3 of the Mental Health Act 1983 following the commission of offences. Although there is no correlation between periods of imprisonment and periods of detention under the Mental Health Act, it is important for officers to examine the nature of the offences and the length of the order in these situations.

## Relevant medical conditions

- 12.26 Applicants for a firearm or shotgun certificate are required to declare any relevant medical conditions on the application form. (See below the list of relevant medical conditions.) As part of the application process the police may ask some applicants to obtain and pay for a medical report to assist with their consideration of medical suitability. GPs should provide such a report normally within one month of the request. If a further medical report is required the police will pay for this.
- 12.27 Following the grant of the certificate the police will contact each certificate holder's GP to ask them to place an encoded reminder on the patient record so that the GP is aware the person is a firearm or shotgun certificate holder. This enables the GP to inform police if they have concerns about the person's medical fitness which arise during the validity of the certificate. In most cases the GP will not have been contacted by police during the application process (as this will usually only happen if the applicant has declared a medical condition), and the letter will normally ask if the GP has concerns about the person's possession of a firearm or shotgun certificate or if they have suffered from a relevant medical condition which could affect their medical suitability. If the police require a medical report following this contact with the GP they will request and pay for the report.
- 12.28 Relevant medical conditions include:
- Acute Stress Reaction or an acute reaction to the stress caused by a trauma
  - Suicidal thoughts or self harm
  - Depression or anxiety

- Mania, bipolar disorder or a psychotic illness
- A personality disorder
- A neurological condition: for example, Multiple Sclerosis, Parkinson's or Huntington's diseases, or epilepsy
- Alcohol or drug abuse
- Any other mental or physical condition which may affect the safe possession of firearms or shotguns.

## Assessment of suitability

12.29 The fact that a person has received treatment in the past for certain illnesses or conditions, such as depression or stress, does not make them automatically unsuitable to possess a firearm. It is one of the factors to be considered with all other evidence relating to the applicant's character and history. In such cases, account should be taken of the latest medical opinion, and particular attention should be paid to whether this suggests if the condition is liable to recur.

## Summary of medical fees

12.30 During the application process:

- Where a medical report is required due to the applicant declaring a medical condition – the applicant will pay the fee.
- If a further medical report is required – the police will pay the fee.

12.31 During the validity of a firearm or shotgun certificate:

- Initial check of the patient record in response to the standard police letter – there is no expectation of a fee.
- Where a medical report is required due to the GP raising concerns or because the police require sight of a medical report for another reason – the police will pay the fee.

## iv) Safe-keeping and handling of firearms

12.32 Consideration should include any evidence that unauthorised persons, such as family members or associates, who may themselves present a danger to public safety, might have access to the firearms, notwithstanding any arrangements for the security of the firearms which may have already been made. Any history of serious incidents involving firearms, or a careless approach to the handling of other potentially dangerous items, should also receive close consideration. Where the latter exists, the police should consider the likelihood of repetition.

## v) Domestic violence and abuse

12.33 When considering applications for the grant or renewal of firearm/shotgun certificates particular attention should be paid to domestic incidents, specifically violence and patterns of behaviour by the applicant which give cause for concern (see below for the definition of domestic violence and abuse). An incident of domestic violence taking place should trigger a need for police to review whether the certificate holder can be permitted to possess the firearm or shotgun without causing a danger to public safety or to the peace.

12.34 In general evidence (including a history) of domestic violence and abuse will indicate that an individual should not be permitted to possess a firearm or shotgun. Each case must be assessed by the police on its merits, on the basis of the strength of the evidence available and all the circumstances of the case.

## Applications

12.35 Background checks will always be carried out on applicants to assess their fitness to possess a firearm. These checks should encompass local information as well as checks on national databases. Where there is information indicating domestic violence and abuse, **wider interviews or enquiries** should be considered with a range of family, friends or associates of the applicant prior to issue or renewal of a firearm/shotgun certificate. Those interviewed need not be confined to those persons put forward by the applicant. The police response should be proportionate to the risk involved and care must be taken to consider every case on its merits.

12.36 Interviews with partners who may be victims of domestic violence may be judged essential to making a complete assessment of an application. Such interviews need to be conducted with sensitivity, and officers must take into account that a victim of domestic violence may be unwilling to speak openly with the police for fear of further violence or reprisals. Information provided during interview must be treated as confidential. Officers must have received adequate training so that they are aware of the indicators of domestic abuse, and how to support victims and keep them safe. They should be aware that there may be a need to take active steps to protect an applicant's partner from reprisals. This is particularly important in the event that the partner is interviewed in connection with the application and provides information which leads to a refusal or revocation since the applicant might blame their partner and resort to violence.

12.37 An applicant's partner is not required to give approval for the issue of the firearm or shotgun certificate and this should be made clear to them. The responsibility lies with the police to make the decision based on all the evidence available. Similarly, the police will assess evidence provided by other family members, friends or associates of the applicant where this is considered to be necessary.

12.38 Police domestic violence/public protection units should be consulted and multi-agency liaison may be necessary to properly assess whether the applicant can hold a firearm or shotgun without danger to public safety or the peace.

12.39 Chief officers need not rely only on convictions when considering the suitability of applicants to possess firearms without danger to the safety of the public or the peace. In particular chief officers should be aware that they can take hearsay evidence into account and not have to rely directly on spouses/partners when considering domestic related incidents. Hearsay evidence could include the evidence of police officers attending scenes of domestic incidents. Chief officers must also consider whether the applicant or certificate holder has been the subject of a Domestic Violence Protection Notice (DVPN) or a Domestic Violence Protection Order (DVPO) issued under the Crime and Security Act 2010 and whether the applicant or certificate holder has breached the terms of that notice/order.

12.40 Conduct which has not resulted in a conviction can be considered. For example, a bind over may be relevant, particularly if in relation to a partner or a former partner. Evidence falling short of a conviction (e.g. police intelligence, which has not been tested in the

criminal court and proved beyond reasonable doubt) should be treated with caution and an assessment made by chief officers of police as to what weight should be attached to it. In each case the police must ensure a fair process by analysing how recent the incident was and whether it should be viewed as an isolated incident or part of an ongoing pattern. They should conduct an assessment of future risk based on all of the evidence.

- 12.41 Information from GPs, especially an indication of alcohol or drug abuse, or mental health issues may indicate that an applicant is not fit to possess a firearm. Consideration may be given to requesting the medical records of spouses, partners or family members (with their consent) if there is concern over previous domestic violence or abuse.
- 12.42 It should be noted, however, that in the event of challenge a court is likely to attribute less weight to hearsay evidence than to direct evidence, and less weight to evidence falling short of a conviction (which has not been tested under cross-examination) than to actual convictions. The chief officer must therefore make a judgement about the reliability and credibility of hearsay evidence before relying upon it to refuse or revoke a certificate.

## Removal of firearms or shotguns

- 12.43 When considering renewal applications or reviewing fitness following any incident that has come to light, chief officers must consider the necessity for action to remove firearms, ammunition and certificates in the interests of preventing avoidable or foreseeable harm. Where it is considered necessary to remove such items, enquiries may be necessary with the applicant, their partner/spouse, GPs, and any other relevant party (family, friends, or statutory agencies) to gather best evidence enabling a chief officer to make an informed decision on revocation.
- 12.44 When considering removal and revocation of firearms, ammunition and certificates, it is vital that partners/spouses are safeguarded against potential retribution, even if there is a lack of cooperation from them. Care should be taken in the transport and storage of guns concerned, which may have considerable monetary value in some cases.

## Continuous review

- 12.45 Forces must have appropriate measures in place to monitor any activity of a certificate holder or associates that has come to the notice of police. This is to ensure that all relevant information and intelligence is readily available for continuous assessment of the suitability of an individual to possess firearms or shotguns. It is crucial that chief officers act robustly, specifically around domestic incidents and violence, to avoid preventable harm by the potential misuse of firearms or shotguns. A review on the continued suitability of a firearm or shotgun certificate holder should take place following an incident of domestic violence or abuse.
- 12.46 Information about a licence holder's suitability may also be provided by members of the public known to the licence holder, either directly to the force or its firearms licensing unit. All such reports must be investigated and recorded on the case file. Where the reported information can be substantiated, a review of the continued suitability of the licence holder should then take place. Reports made anonymously should be treated as intelligence and steps taken to ensure any inquiries or subsequent court proceedings do not reveal the source of the information. As part of the investigation, steps should also be taken to ascertain whether the report might be malicious.

12.47 Chief officers should also consider danger to public safety or the peace, including arrangements for storage of the firearm/shotgun/ammunition where the certificate holder is a victim of, or a witness to, domestic violence or abuse in the family home. Any household which is in domestic turmoil is unlikely to be a suitable place for firearms to be stored.

## Definition of domestic violence and abuse

The new definition was introduced on 31 March 2013. This is a non-statutory definition, the purpose of which is to apply across Government to ensure there is a common approach to tackling domestic violence across different agencies.

The definition of domestic violence and abuse now states:

Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass, but is not limited to, the following types of abuse:

- psychological
- physical
- sexual
- financial
- emotional

Controlling behaviour is: a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

Coercive behaviour is: an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.

\* This definition, which is not a legal definition, includes so called 'honour' based violence, female genital mutilation (FGM) and forced marriage, and victims are not confined to one gender or ethnic group.

## Seeking further information

12.48 Where the applicant has previous convictions, or where information has cast doubts on the suitability of the person to be entrusted with a firearm, the chief officer of police should consider whether to approach agencies likely to have had involvement with them, such as the probation service or social services. The chief officer should ensure that the reason for the enquiry is to ascertain whether or not there is any further evidence that the person would be unfit/unsuitable to possess a firearm.

12.49 Where an applicant's reason for possessing the firearm is shooting on a farm or at a club, for example, the chief officer should also consider whether to seek additional information from persons such as the relevant holder of shooting rights or secretary of the club who may have close knowledge of the applicant's character. Where this is considered necessary, care should be taken by the police not to divulge information about the applicant which is of a sensitive or confidential nature.

12.50 Where applicants have declared on the prescribed form that they have suffered from a mental or nervous disorder, including depression, and have given their consent to an approach being made to their GP or medical adviser, the GP should be asked in writing to provide factual details about the condition. The failure of a GP to provide such information should not in itself result in the refusal of an application (see also Chapter 10).

## Making the final assessment

12.51 Decisions on applications and revocations should be made on an assessment of all the relevant information and must be made on the individual merits of each case. Evidence of previous convictions or intemperate behaviour, for example, might not result in an automatic refusal if, since the conviction, the applicant has led a law-abiding life and shown a capacity to be entrusted to possess a firearm.

12.52 Chief officers should ensure high risk decisions are approved at an appropriate level of seniority. This is likely to mean, as a minimum, by the firearms licensing manager, and in some cases by an officer or staff member senior to the firearms licensing manager with functional responsibility for firearms licensing. High risk decisions will include, but are not limited to, cases where:

- i. A certificate is granted following a previous refusal or revocation, including by another force.
- ii. A certificate is granted or renewed where there is evidence of violence, domestic abuse or medical unsuitability, or concerns have been raised by someone known to the licence holder, but based on all the facts of the case, the applicant has been assessed as suitable.
- iii. A decision is made not to revoke a certificate following a review of suitability triggered by an incident during the lifetime of the certificate. This includes cases where firearms have been seized to allow such enquiries to be completed and a decision is made to return those firearms.

12.53 Where the applicant is a serving or former police officer or employee, in the interests of transparency chief officers should ensure both the handling of the application and the decision are overseen by a senior manager. In addition, should a complaint or conflict of interest arise, the matter must be referred to and overseen by the Professional Standards Department.

# Chapter 13: Good reason to possess a firearm

13.1 This chapter:

- i. sets out the issues that chief officers will wish to consider in assessing “good reason” in individual cases;
- ii. advises on the more common “good reasons” that the Home Office would consider proper for the possession of particular firearms and ammunition; and
- iii. sets out the guiding principles governing the definition of a “good reason” to possess a firearm.

The guiding principle behind the requirement to have a “good reason” to possess, purchase or acquire firearms or ammunition, is that firearms are dangerous weapons and the state has a duty to protect the public from their misuse. In general, applicants should be able to demonstrate that they ‘use’ their firearm on a regular, legitimate basis for work, sport or leisure (including collections or research).

## Introduction

- 13.2 Under section 27(1)(b) of the Firearms Act 1968, firearm certificates shall be granted by chief officers of police if they are satisfied that applicants have a “good reason” for having in their possession, or for purchasing or acquiring, the firearm or ammunition in respect of which applications are made and that in all the circumstances the applicants can be permitted to have the firearm or ammunition in their possession without danger to the public safety or to the peace. Apart from assessing fitness to possess firearms, “good reason” is one of the most substantial and complex areas of discretion that chief officers may exercise in licensing firearms. It is therefore imperative that any decision to refuse on grounds of “good reason” must be reasonable.
- 13.3 This guidance is not exhaustive. Chief officers of police will encounter cases not covered here where they may properly judge that “good reason” is proven. Each case must be judged on its own merits, being mindful of the consistent administration of the Acts and the need to provide fair and equitable treatment to all applicants, while maintaining the duty to protect the public from firearm misuse.
- 13.4 Apart from having a “good reason” in principle, an applicant’s reasons for owning firearms should be genuine. Equally, any reason to refuse an application must be clearly justified and explained. Chief officers of police should exercise caution in dealing with cases where the applicant presents a nominal reason for possessing firearms but may have ulterior motives. The police will be expected to make reasonable inquiries to verify the applicant’s “good reason” for the possession of firearms. This may include:
- i. a request for written authorities where relevant (and possible).

- ii. verification of the likelihood of the quarry species being present.
  - iii. the suitability of land for the firearms requested commensurate with the applicant's experience.
  - iv. their authority to shoot on the land; and,
  - v. in the case of target shooters: verification of club membership and shooting activities.
  - vi. in the case of collectors: activity, including academic research, membership of recognised bodies etc.
- 13.5 An intention to acquire a firearm certificate, with the attendant privileges and responsibilities, should generally involve a genuine intent to use the firearms concerned regularly (depending on the type of firearm and the opportunities to use it) or a "good reason" of similar substance. Failure to use a firearm or failure to acquire one by the end of the certificate's life may be cause for further inquiry as to the applicant's intentions, (but see paragraph 13.53 and sections on firearms of historical importance, collections and trophies of war).
- 13.6 "Good reason" should be neither confined to need nor equated with desire. Most firearm certificate holders possess firearms for reasons of their profession, sport, collectors or recreation, and may properly wish to exercise discretion as to what types of firearms they choose for these purposes. On the other hand, a simple wish to own a particular sort of firearm is not in itself "good reason" without further supporting evidence of intentions. Chief officers of police should be mindful of case law (*Anderson v Neilans* (1940) and *Joy v Chief Constable of Dumfries and Galloway* (1966)) which suggests that the chief officer should consider the application firstly "from the standpoint of the applicant rather than from that of a possible objector". "Good reason" will need to be demonstrated for each firearm to be held under section 1 of the 1968 Act.
- 13.7 With the exception of the limits set by the Deer Acts (for more information, see chapter 14) and similar legislation, the suggested calibres for different quarry species are intended as examples of the typical range of calibres used rather than prescriptive limits. In most cases there will be a range of broadly similar commercial calibres suitable for different quarry (see paragraph 13.8 for definition of this term for the purposes of this guidance).

## Quarry shooting, including shooting pest species (vermin) and other shooting over land

- 13.8 'Quarry' is the general term for live animals (including birds) shot over land. In this context, 'land' means an area to be shot over, for example, a woodland, moorland, heath, wetland, foreshore, open water or field. Firearm certificate holders may wish to use firearms to shoot deer, game, pest or other quarry species. Calibres authorised should have sufficient muzzle energy to ensure a clean kill of the quarry species concerned.
- 13.9 A certificate holder may shoot any quarry that is lawful (where they are authorised to shoot). Whilst guidance is provided, it is the responsibility of the shooter and the shooting community to know what calibre is suitable for which quarry, and when certain quarry is lawful (including the need to obtain or rely upon a licence from the relevant licensing authority to permit the shooting of protected species). Once initial "good reason" has been established for the possession of a firearm, there is no requirement for "good reason" to be demonstrated for additional quarry species or amendments providing the firearms are not underpowered for the species (see also paragraph 13.17). A cartridge should be capable

of achieving a humane kill, and it is the responsibility of the shooter to ensure that any excess energy will be absorbed by the backstop. The “any other lawful quarry” condition (which also covers protected species that the certificate holder is licensed to shoot) should be applied. If an applicant is suitable to hold a firearm certificate and is deemed safe to do so, there is no requirement to restrict the quarry they shoot by the use of conditions imposed on the individual’s firearm certificate.

A person wishing to shoot over land should nominate in their application a specific area of land over which they intend to or have permission to shoot (this does not restrict their ability to shoot elsewhere where permission is also given), and provide written authority, where possible, from the person entitled to grant the shooting rights. The land may then be examined and approved by the police (if it is not already known to be suitable) in order to help to establish that the “good reason” requirement has been fully met, and that the use of firearms and ammunition will not endanger public safety or the peace (section 27(1)(c) of the 1968 Act).

- 13.10 The land need not be owned or rented by the applicant, nor need they have regular or automatic access to it. Farmers and landowners may allow shooters to shoot on their land, for payment or otherwise, on a formal or informal basis. An applicant need not always nominate a piece of land as evidence of “good reason”, but in such cases the applicant may be required, where possible, to provide written evidence, for example from a relevant organisation, a professional pest controller, gamekeeper or of a booking to shoot.
- 13.11 It is accepted that land is not intrinsically “safe” or “unsafe” and that any shooter will have to exercise a strong measure of discretion in deciding whether to shoot in particular circumstances. However, the police will wish to be satisfied as part of “good reason” that the land nominated is not clearly unsuitable for the types of firearms to be used. The land inspection is intended only as part of the process of verifying that a “good reason” exists. It should not normally be extended to other areas of land on which the applicant intends to shoot unless there is to be a condition restricting a new shooter to specified land only. An inspection, where it is required, may provide a good opportunity to confirm that the applicant understands the characteristics of the land and the best places to shoot safely on it.
- 13.12 The applicant’s knowledge of safe shooting is also very important and they should therefore, where possible, be present when the inspection takes place. This will give applicants the opportunity to confirm that they are aware of any potential hazards and know that no shot must ever be fired from a rifle unless there is a safe backstop. Some of the issues that the police will need to consider in relation to all the circumstances of the specific application are:
- a) Presence of rights of way, public roads and footpaths and their frequency of use;
  - b) Proximity of dwellings;
  - c) Suitable backstops relevant to the firearm to be used (also important with a shotgun when using section 1 ammunition);
  - d) General topography of the land; and,
  - e) Presence of any quarry species on the land (see paragraphs 13.9, 13.15 and 13.16 for guidance).
- 13.13 A person whose certificate is to be conditioned to allow shooting only on land approved by the chief officer of police, should be able to establish whether an area of land has been approved for that type and calibre of firearm by contacting their local police firearms licensing department. It is expected that in only a small number of cases will it be necessary to inspect the land.

- 13.14 When land inspections are required, the knowledge of local shooters, stalkers, gamekeepers etc. may be drawn upon. This is particularly important in cases of doubt. Decisions to refuse approval on public safety grounds should not be based on the assessment of a police employee with little or no experience in such matters and the views of those experienced in the field use of firearms should be sought before final decisions are made.
- 13.15 When land inspections are required, the police may consult people with necessary expertise in shooting or knowledge of the land in question, as well as local shooters, stalkers and gamekeepers. This is particularly important in cases of doubt. Shooting organisations are also able to assist with detailed information about the practical applications of rifle/cartridge combinations.
- 13.16 “Good reason” to possess particular firearms will generally be linked to the quarry species found on the land concerned. However, conditions for the possession of such firearms may allow the certificate holder to deal with reasonable eventualities, for example, pest or game species or the humane destruction of injured animals on the estate. The Pests Act 1954 (see relevant section in chapter 14) can be used to impose a duty with financial penalties on occupiers of land to control rabbits on their land. Under the Animals Act 1971 section 9, a person may, under certain specified circumstances, shoot a dog found worrying sheep, cattle or other livestock. Protection of livestock may constitute the ‘good reason’ for possessing a rifle for some farmers or others involved in animal husbandry (see also chapter 14). Although not stipulated in law, a shotgun may be used where dogs worrying sheep and other livestock are to be killed. Where the use of a rifle for these purposes is cited as “good reason”, DEFRA advise that calibres suitable for small deer would be appropriate.
- 13.17 The table at the end of this chapter provides guidance on whether, **for the purposes of establishing “good reason”**, a particular calibre is suitable for shooting certain quarry. It should be noted that the list of calibres is not exhaustive but will serve as a useful guide.
- 13.18 ‘Yes’ indicates that the calibre is suitable for the purpose, and pursuit of such quarry would normally be a “good reason” to possess such a rifle. ‘No’ indicates that the calibre and muzzle energy is unsuitable, unlawful or inhumane, and pursuit of such a quarry would not therefore be a “good reason” to possess such a rifle. This, however, should not exclude the use of a larger or more powerful firearm, for which “good reason” has been established, to shoot smaller quarry (see 13.9). In some cases an applicant will want to possess two similar weapons for the same category of use, for example, where an employer requires the applicant to use a weapon for official purposes but the applicant also wants to hold one for personal use (for example, deerstalking). Chief officers of police should also note that many animals (including many birds) are protected by law (see chapter 14). Licensing officers will also wish to have regard to other paragraphs in this chapter which offer more detailed guidance in relation to specific quarry.

## Shooting Small Quarry Species, including Game and Pest Species (Vermin)

- 13.19 The term “game” covers certain birds and animals that may be shot for food and sport. These include pheasant, partridge, grouse, ptarmigan and ground game (rabbits and hares). The term “vermin” is not defined in law, but it may include species that cause damage to crops, game, livestock or property such as fox, rabbit, mink, stoat, weasel, brown rat, and grey squirrel; as well as some birds, such as wood pigeon and corvids such as rook and crow. Whilst species including wood pigeon and corvids are regarded as pests

or vermin, they are protected under the Wildlife and Countryside Act 1981, and therefore can only be shot under the relevant general licence. It is important to note that animals such as deer, wild boar etc are not viewed as vermin. Under schedule 6 of the Wildlife and Countryside Act 1981, certain species such as wild cats, pine martens, badgers and otters may not be shot with any automatic or semi-automatic firearm, or killed, or taken by other prohibited methods under section 11(2) of the 1981 Act. These species may be pests under certain circumstances but may only be killed under licence (see also chapter 14). Guidance on foxes can be found in paragraphs 13.25 and 13.26.

- 13.20 Although not set out in legislation, the rifle cartridges most commonly used to shoot ground game and vermin are .17 rimfire (HMR & Mach 2) and .22 rimfire. More powerful centre-fire cartridges, such as .17 Remington and .22 Hornet are also suitable for ground game and vermin, and may be considered if the applicant also intends to shoot fox to avoid possession of a further gun. Expanding ammunition may be granted for shooting vermin.
- 13.21 Self-loading shotguns ('semi-automatic' is defined in section 27 of the Wildlife and Countryside Act 1981 as capable of holding more than two rounds in the magazine and applies only to large magazine shotguns (and .22RF)) may be used to shoot certain pest species under the terms of a licence from either Natural England, Scottish National Heritage, or the Natural Resource Wales but is applicable to avian species only. Large-magazine shotguns may be required to deal with serious pest problems with wood pigeon or corvids (rooks and crows). It is acceptable for self-loading shotguns to be used for mammal pest species including rabbits and squirrels. Once "good reason" is established for avian vermin control, shotguns of this kind may be allowed for taking other small vermin (including mammals such as squirrels and rabbits).
- 13.22 'Specially dangerous' air rifles in calibres from .177 to .25 operating at over 12 foot pounds and therefore subject to certification are often used for vermin control and for the shooting of small game when an applicant wishes to use a firearm less powerful than the .22 rimfire. The same conditions apply to air rifles as any other rifle authorised for quarry shooting.
- 13.23 Section 4 of the 1997 Act allows the possession, purchasing, acquiring, selling or transferring of shot pistols in calibres .410 and 9mm rimfire, provided that such a pistol is subject to a condition that it is only for use in connection with the shooting of vermin (see Appendix 3 for the exact wording of the condition which covers these circumstances). This exemption was intended mainly for pest controllers who may need to use a firearm of this kind in farm buildings, farmyards and similar areas where use of a conventional shotgun would be inappropriate, for example, barns, fruit cages or near release pens.
- 13.24 Those involved in shooting vermin will normally be authorised to possess up to 750 rounds. Expanding ammunition may be authorised for this purpose. However, larger allocations may be required in some circumstances, perhaps for individuals who are responsible for pest control over large areas of land or where there are serious infestations, for example of rabbits. In such cases, it may be appropriate to authorise the individual to possess up to 1,500 rounds. These amounts are only guides and should not be seen as absolute limits to be applied in all cases. An applicant who is responsible for a lot of pest control may reasonably want two rifles firing the same, or a closely allied cartridge.

Chief officers of police will wish to be mindful that quarry species are mobile and applicants may not be able to always predict their presence on land on a consistent basis. Certificate conditions should therefore allow the applicant flexibility in dealing with quarry species, and the 'any other lawful quarry' condition may be used. However, where a particular

quarry forms the basis of the applicant's "good reason" its likely presence will need to be confirmed (see paragraph 13.15 and 13.16 for guidance).

## Fox

13.25 Although not set out in legislation, common rifle cartridges considered suitable for the shooting of foxes range from .17 Remington, and .22 Hornet to .22 -250 and .220 Swift, though there is a wide range of suitable similar calibres commercially available. In windy areas, where heavier bullets aid accurate shooting, or if applicants wish to use one rifle for shooting both deer and foxes, they may choose a rifle in 6mm (.243/.244) or 6.5mm (.264) calibre.

.22 Rimfires are generally considered as having insufficient muzzle energy to be used against foxes in most circumstances. However, these could be suitable for use at short range by experienced persons, and may be permitted in certain situations such as around farm buildings or paddocks. It is for the operator to ensure that the quarry species are shot at the appropriate range with the appropriate ammunition to achieve a humane kill. Combination shotgun/rifles should have the rifled barrel in a similar calibre. Expanding ammunition should be authorised for shooting foxes.

Those involved in shooting foxes will normally be authorised to possess up to 250 rounds, but consideration should be given to each shooter's individual circumstances, particularly where re-loaders are acquiring missiles. See also paragraph 13.9 on allowing the applicant flexibility to reasonably shoot other species on named land.

13.26 It is desirable that new applicants should have some previous experience of the safe use of firearms before using such rifles. Experience is neither cartridge nor ammunition type exclusive. It may include the shooting of any quarry species. The aspect that police are looking to be satisfied about is the competency of the applicant to take a safe shot every time. The shooting of any quarry requires a safe backstop for the shot, and such experience is transferable between quarry species.

## Wild/feral animals

13.27 Authority may be requested to shoot animals which fall outside the scope of usual types of game or vermin, for example feral goat or wild boar. The type of rifle authorised should be appropriate to the quarry species, The Deer Initiative recommends a rifle of not less than .270 for wild boar. For feral goats, Defra advise the use of a minimum calibre of .243 with a bullet weight of 100 grains to be humane. However, individual bullet weights should not be stipulated on certificates. Expanding ammunition should be authorised for this purpose.

13.28 Hunting potentially dangerous animals, such as wild boar, with larger calibre rifles requires particular skill, and applicants should generally have experience of firearms. Applicants should put forward specific named land and a request or authority from the owner/occupier to shoot the species concerned.

## Seals

13.29 Under the Conservation of Seals Act 1970, seals may be shot by fishermen and others to prevent damage to fishing nets or fishing tackle, provided that at the time the seal was in the vicinity of the net or tackle. Seals may also be shot to prevent damage to fisheries under licences issued by Natural England (for rivers only), the Marine Management

Organisation, the Welsh Government, or the Scottish Government (see section 10 of the 1970 Act). No firearm may be used except a rifle using ammunition with a muzzle energy of greater than 600 foot pounds and a bullet weight of not less than 45 grains (see section 1 of the Act). This equates to at least a .22 Hornet centrefire rifle using 45 grain, although this cartridge is, at best, only marginally humane. More information on this subject can be found within chapter 14.

## Deer

- 13.30 The shooting of deer is governed by the Deer Acts, which require that deer be shot with rifle cartridges of particular muzzle energy and, in Scotland, muzzle velocity and bullet weight (see chapter 14 for further detail). The Deer Act 1991 (as amended) requires that “soft nosed or hollow nosed” (expanding) ammunition, or in the case of Scotland ammunition “designed to deform in a predictable manner”, must be used for shooting deer. Deer stalkers will normally be authorised to possess up to 250 rounds of ammunition but account should be taken of individual circumstances, for example where re-loaders are acquiring missiles or where the shooter is a professional deer stalker.
- 13.31 Suitable calibres for shooting deer range from the .243 to .45-70. The .243 is legal for all species of deer found in the UK, however, for the larger species (Red, Sika & Fallow) .270 and larger calibres are generally more suitable. For shooting Muntjac & Chinese Water Deer in England and Wales, a rifle with a calibre of not less than .220 inches and a muzzle energy of not less than 1,000 foot pounds using a soft or hollow nosed bullet of not less than 50 grains can be used. Practically the .222 Remington is the smallest of the .22 centre fire cartridges which can legally be used for this purpose. See paragraph 13.34 for information about legislative requirements for the shooting of deer in Scotland.
- 13.32 An applicant who wishes to shoot deer should name land which has the likelihood of the appropriate deer species being present, and an invitation, booking or authority to shoot. This is not necessary where a person already holds a deer legal rifle for an established reason. Many deer stalkers will rely on invitations to shoot on payment rather than be hired or paid to do so and may not be able to shoot regularly or frequently, though others may be permanently employed, for example, Forestry Commission staff. Hunting large animals with powerful rifles requires particular skill, and applicants should generally have some experience of firearms.
- 13.33 The Deer Act also authorises the use of smooth-bore guns of at least 12 bore or a cartridge purporting to contain AAA shot for shooting deer, firing a non-spherical projectile of at least 350 grains to kill deer on cultivated land, pasture or enclosed woodland if it can be shown that the deer were causing serious damage to crops, vegetables, fruit, growing timber or other property, that such damage was likely to continue and be serious in nature and that action was needed to prevent this. This provision was intended to allow authorised persons (namely, but not restricted to, farmers and crofters) who own a shotgun but not a rifle to deal with marauding deer. Shotguns for use with solid slug should be cylinder bored and fitted with sights, if available. Solid slug is section 1 ammunition and so a firearm certificate is needed for possession and use. A suitable rifle would be more appropriate for a regular need to control deer.

## Scotland

- 13.34 The legislative requirements for the shooting of deer in Scotland are based on the performance of the ammunition, not the calibre of the rifle. Ammunition must be “designed

to deform in a predictable manner". Article 3 of the Deer (Firearms etc.) (Scotland) Order 1985 makes different provisions for the shooting of Roe deer in Scotland. A calibre is not stipulated but the bullet weight must be not less than 50 grains, the muzzle velocity not less than 2,450 feet per second and the muzzle energy of more than 1,000 foot pounds. In practical terms, this means a calibre of .222 or greater, rather than the .240 or greater for shooting Roe deer required in England and Wales. For deer in Scotland other than Roe, bullets of not less than 100 grains, and a muzzle velocity of not less than 2,450 feet per second and a muzzle energy of not less than 1,750 foot pounds are all required. The 1985 Order also allows the use of a shotgun in certain limited circumstances, but for land management reasons only. Closed seasons are also different in Scotland (see chapter 14). Otherwise the general comments on deer stalking above apply.

## Overseas use

- 13.35 Individuals going overseas may wish to hunt animals not found in this country and wish to acquire firearms for this purpose. This may include, for example, big game or dangerous game animals such as elephant, Cape buffalo, lion or leopard; or plains game, such as various species of antelope.
- 13.36 Rifles for this purpose may include bolt-action or double-barrelled rifles of various calibres, often very large and of high (4,000-5,000 foot pounds) muzzle energies. These might include .375 H&H Magnum for Plains Game, calibres between .375 H&H Magnum and .600 for Big Game, .300 Winchester or greater for bear, and 9.3mm x 74R for boar.
- 13.37 The police will wish to be satisfied that an applicant has genuine intentions to use such rifles abroad, though such visits may be infrequent. Zeroing and practicing with non-expanding ammunition may be permitted in the UK, providing a suitable range or land is available. Those who home-load their non-expanding ammunition for such zeroing will also need to test and chronograph it. Some rifles intended for antelope and other plains game may also be suitable for deer, boar or other quarry shooting in this country. Once initial "good reason" has been established for a rifle in shooting "dangerous game", it may also be considered for shooting the larger deer species and boar in Britain. Expanding ammunition may (must in the case of deer) also be authorised for an applicant whose certificate allows for the rifle also to be used for shooting deer or boar in Britain. Where a shooter experiences difficulties in obtaining "dangerous game" cartridges in the country where that game is to be hunted, arrangements can be made for a dealer to export an appropriate quantity which can be collected by the shooter at the point of embarkation. Individuals may be authorised expanding or non-expanding ammunition in line with typical amounts authorised for use in firearms for target and quarry shooting.

## Humane Killing of Animals

- 13.38 The humane killing of sick, injured or lawfully trapped animals with a firearm is normally confined to those who may deal with such animals on a fairly regular basis. Examples would include veterinary surgeons, RSPCA inspectors, hunt servants, and occupiers of farms and smallholdings. Once such a firearm certificate is granted, the holder is able to use the firearm for the humane killing of any animal should the need arise, subject to any conditions on the certificate. The holder may also use a shotgun when appropriate. Rifles of any centrefire calibre may be suitable for this work. For revolvers and slaughtering instruments under section 3 of the 1997 Act, it is suggested a .32 single (or two) shot revolver is suitable for most circumstances, though larger calibres such as the .38 may be considered if the applicant has to deal regularly with large or dangerous animals (for

example, horses, water buffalo, bison, Highland cattle or larger deer species). Note that section 3 does not refer to the use of any particular cartridge.

- 13.39 Sound moderators for pistols should generally be authorised only for veterinary surgeons working at racecourses. Adapted conventional handguns are not generally considered suitable for humane dispatch. The use of solid slug ammunition for shotguns should normally be authorised only for staff on wild boar farms or other farming establishments, though veterinary surgeons may also have a need for solid slug to destroy large animals such as bulls. The Humane Slaughter Association (HSA) advises that solid slug for shotguns should only be used from a distance and with a suitable backstop. The HSA also advise that, under such circumstances, a suitably powerful rifle may be more accurate. Comprehensive guidance on the humane killing of animals is available from the HSA.
- 13.40 The humane killing of sick or injured animals is distinct from the slaughter of animals for human consumption. The provision of free firearm certificates applies only to the latter category (see section 32(3) of the 1968 Act).

## Slaughtering

- 13.41 The slaughter of animals for human consumption will often be carried out using captive-bolt instruments that are not considered “firearms” for legal purposes. However, authorisation to possess and acquire a free-bullet slaughtering instrument may be granted to proprietors of slaughterhouses, knackermen, deer and wild boar farmers, butchers and farmers, smallholders and crofters who need to slaughter their own animals. Expanding ammunition should also be authorised for this purpose.
- 13.42 Under section 10 of the 1968 Act, no certificate is required for a licensed slaughterman (under the Welfare of Animals (slaughter or killing) regulations 1995 to slaughter horses, cattle, sheep, swine or goats or the Welfare of Animals at the Time of Killing (Scotland) Regulations 2012 to possess a slaughtering instrument or ammunition in any slaughterhouse or knacker’s yard where they are employed. The use of all slaughtering instruments is governed by the Welfare of Animals (Slaughter or Killing) Regulations 1995.
- 13.43 Under section 32(3) of the 1968 Act, no fee is payable for a firearm certificate issued in respect of a slaughtering instrument or ammunition thereof which the applicant requires for the humane slaughter of animals.

## Tranquillising Animals

- 13.44 Tranquillising equipment such as dart guns and blowpipes are normally considered prohibited weapons that discharge noxious substances under section 5(1)(b) of the 1968 Act. However, under section 8 of the 1997 Act, an authority to possess a firearm is not required for a firearm mentioned in section 5(1)(aba), (b) or (c), which is designed or adapted for tranquillising or otherwise treating an animal, if you have a certificate subject to a condition restricting its use to use in connection with the treatment of animals.

Authority to possess such firearms should normally be granted to those who have a professional need for such, for example deer farmers and zoo or safari park staff. Such weapons should be used under the direction (though not necessarily the presence) of a veterinary surgeon due to the use of powerful controlled drugs. The Royal College of Veterinary Surgeons (RCVS) and the British Small Animal Veterinary Association (BSAVA) have produced guidance on the use of such equipment.

13.45 Tranquillising equipment may also be needed for scientific research on animals. If an application were not in connection with the treatment of animals the Section 8 exemption would not apply.

## Target shooting

13.46 Target shooting includes the use of firearms for sport and recreation. The Department for Culture, Media and Sport (DCMS) recognises the organisation 'British Shooting' which brings together the national Governing Bodies for target shooting. Responsibilities for different types of target shooting are divided as follows:

- i. National Small Bore Rifle Association (NSRA) – .22RF rifles and pistols, air rifles and air pistols not greater than .22 calibre
- ii. National Rifle Association (NRA) – full-bore rifles, centrefire pistols and muzzle-loading rifle, pistol competitions not covered by the Muzzle-Loaders Association of Great Britain (MLAGB), section 1 (FAC) shotguns, .22 rifles (lightweight sporting rifles and mini-rifle), and long barrelled pistols/revolvers;
- iii. Muzzle Loaders Association of Great Britain (MLAGB) - muzzle-loading rifles and pistols (including muzzle-loading “cap and ball” revolvers); and
- iv. United Kingdom Practical Shooting Association (UKPSA) – target shooting with section 1 shotguns, full-bore rifles, .22 rifles and long barrelled pistols/revolvers.

In Scotland, sportscotland and the Scottish Target Shooting Federation act as umbrella bodies for target shooting.

13.47 Additionally, the National Rifle Association, the United Kingdom Practical Shooting Association, National Target Shotgun Association and the British Western Shooting Society govern various types of target shooting involving the use of shotguns, muzzle-loading pistols, long barrelled pistols and rifles.

13.48 Small cartridge-firing firearms which come under section 5(1)(aba) of the 1968 Act may only be used under the specific authority of the Secretary of State or the Scottish Ministers, at specified locations. These are distinct from long-barrelled pistols and long-range pistols which are section 1 firearms.

13.49 Under section 44 of the 1997 Act, a person whose only reason for possessing a rifle or muzzle loading pistol is for target shooting must be a member of a target shooting club approved by the Home Office or the Scottish Government Safer Communities Directorate. They are subject to the condition that the rifle or muzzle loading pistol is only to be used for target shooting. The applicant is not confined to shooting only under the auspices of that club and many applicants will wish to shoot with other clubs. However, membership of a particular club will generally be the core of the applicant's “good reason” and is likely to be the focus of much of their shooting activity. In some cases however, the “good reason” for certain firearms may be activities in a club other than the one nominated club. Long-barrelled pistols, long-range pistols, section 1 shotguns and full bore rifles designed or adapted to fire ammunition capable of discharging projectiles at muzzle energies greater than 10,000 foot pounds do not fall within the three Home Office categories of approval for target shooting clubs, and therefore they cannot take advantage of the free club certificate issued to Home Office approved clubs. They can, however, be held on an

individual's firearm certificate as long as they have the facilities to use the firearms for target shooting. Long-barrelled revolvers, long-range pistols, section 1 shotguns and full bore rifles designed or adapted to fire ammunition capable of discharging projectiles at muzzle energies greater than 10,000 foot pounds may not be borrowed at a range for use by other club members.

- 13.50 An applicant should have access to appropriate ranges for the types of firearm concerned. The National Small-bore Rifle Association and the National Rifle Association (or similar organisations) will have inspection and approval systems in place for ranges run by their club members. Independent assessments are also viable.
- 13.51 Muzzle-loaders and other users of black powder need to hold an Explosives certificate, a Recipient Competent Authority issued under the Placing on the Market and Supervision of Transfer of Explosives Regulations in order to possess/transfer black powder, though not for Pyrodex and other smokeless powders (SI 1993/2714). The Recipient Competent Authority is now included on all new explosives certificates.
- 13.52 Target shooting will normally involve shooting disciplines or activities under the general auspices of one of the main national shooting organisations (see 13.46 above and other national organisations such as the Historical Breechloading Smallarms Association and the Vintage Arms Association) but will not necessarily be to their competition rules. It will involve shooting at a target on an approved range but does not necessarily mean shooting in competitions, formal or otherwise. Local shooting disciplines may be accepted as "good reason" for possessing particular firearms.
- 13.53 Target shooters may be expected to use their firearms fairly regularly, say three or more times a year. The police should consider on renewal whether "good reason" continues in respect of all firearms held for this purpose. However, failure to shoot in a year should be regarded as grounds for further enquiries to be made, rather than the automatic partial revocation of the certificate for lack of "good reason". For example, there may be personal circumstances such as illness, working away (where this is not to be repeated regularly), or practice for a particular competition that may preclude the use of all the firearms concerned. In some cases, competitions for unusual or older arms may be few each year. Owners, and especially collectors, may also not want to regularly shoot old, historic, and valuable firearms, thus avoiding excessive wear and tear.
- 13.54 Chief officers of police should also consider the "good reason" for possession of ammunition quantities for target shooting. Allocations of 1,000 rounds, to possess, purchase or acquire, are not unreasonable for most regular shooters. A serious target shooter (for example in a county or national squad) may reasonably wish to possess up to 6,000 rounds to ensure consistency in performance between batches. In exceptional circumstances greater amounts may be required. These figures should be used as guides only and should not be interpreted as absolute limits. This is normally applicable to .22RF rather than full-bore target shooting. Economy of purchase ('bulk buying') is not considered satisfactory as "good reason".
- 13.55 Long-range pistols will often use rifle actions and cartridges. An applicant to possess a firearm of this sort may be a member of the International Long-Range Pistol Shooting Association (ILRPSA), or other appropriate shooting organisation which organises and marshals this type of shooting discipline, although this is not a requirement. A suitable range (see 13.50 above) is required.

13.56 Pump-action, self-loading and other types of shotgun may be used for ‘practical’ target shooting disciplines in which the shooter moves to engage a number of different targets. Applicants should normally be a member of a relevant organisation such as the National Rifle Association, the United Kingdom Practical Shooting Association or National Target Shotgun Association, either individually or as a member of an affiliated club. For ‘End of Trail’ shooting, a set of practical disciplines with a ‘Wild West’ theme, the British Western Shooting Society (BWSS) is the relevant organisation. In view of the potential hazards associated with the more extreme forms of practical shooting, the police will wish to consider with particular care applications for firearms for ‘practical’ shooting that falls beyond the examples cited above.

## Large cartridge firearms

13.57 High energy, large cartridge rifles subject to section 1 (bolt action or straight pull) e.g. those using the .338 Lapua Magnum and the .50 Browning Machine Gun (BMG) cartridges, may be sought by some applicants for long range target shooting. Applications for such rifles for target shooting should be conducted on the same basis as other rifles.

## Handguns of Historical Importance

See chapter 9.

## Collection of firearms

13.58 The collecting of firearms by a genuinely interested collector should be accepted as a “good reason” for the grant of a firearm certificate. There should be no blanket policy to prevent the collecting of modern firearms (though collectable firearms will tend to be of the Second World War or earlier eras) nor should arbitrary limits be imposed on the number or type of firearms. However, a single firearm is unlikely to be acceptable unless it forms part of a collection of other exhibits (but see chapter 9). Modern reproductions of vintage arms may be collected, especially to fill gaps in collections of older firearms. There are no calibre-based limits for collecting, and collections may include field artillery, tanks and other armoured fighting vehicles. Vintage handguns are dealt with in chapter 9. Collections may include firearms disguised as other objects that would otherwise be prohibited under section 5(1A)(a) of the 1968 Act. Ammunition may be collected of itself, including expanding, incendiary or armour-piercing ammunition or explosives that would otherwise be prohibited under section 5(1A) of the 1968 Act.

13.59 Chief officers of police should satisfy themselves that the applicant is a bona fide collector who has a genuine interest, perhaps academic, in the evolution of firearms or in particular types or periods, and that the types of firearm requested fall within this interest. Evidence that a person is a member of a relevant society (for example the Historical Breechloading Smallarms Association or the European Cartridge Research Association) might be taken as an indication that they have a genuine interest in collecting, but this is not a requirement. Firearms capable of being fired may be collected, and a collection may include items other than firearms, for example, uniforms and military equipment. Collections of one or two firearms should not normally be accepted unless they form part of a wider collection of non-firearm related exhibits. “Collection” should not be used as an excuse to retain firearms purely for personal or sentimental reasons. In the case of *Hutchison v Chief Constable of Grampian* (1977), the Court upheld the decision to refuse to issue a certificate for collection to an applicant who was not considered to be a bona fide collector.

An appropriately conditioned firearm certificate that authorises the collection of ammunition does not exempt the holder of that certificate from their duty to comply with legislation controlling the storage of explosives. This is currently the Manufacture and Storage of Explosive Regulations 2005 but additional legislation may be introduced at the end of 2014. Ammunition collectors should be made aware of the potential compliance requirements in respect of other legislation. The Force Explosive Liaison Officer (ELO) should be consulted in respect of such matters. ACPO (FELWG) has produced an Information and Guidance note dealing with this matter. This note has been circulated to the British Shooting Sports Council and the European Cartridge Research Association who may be consulted for further advice.

- 13.60 Generally, bona fide collectors of firearms are not normally authorised to possess ammunition and are made subject to a condition prohibiting the use of their firearms. This will be an appropriate balance to the possession of a large number of firearms by a private individual. However, there are two instances where ammunition might be authorised. Some collectors may wish to collect ammunition either as a part of a wider collection of firearms or in its own right. There may also be cases where applicants wish to fire their firearms occasionally, for example to test fire them on an appropriate range. In these cases, the allocation of ammunition for each firearm should be small, and the applicant expected to use these rarely. The provisions of regular use as for target shooting set out above should not be applied. A similar principle would apply to antique firearms not held as a curiosity or ornament that are held on certificate for occasional firing. Collections of ammunition may also include exhibits to which section 5 of the 1968 Act applies. This will normally be reflected in conditions.
- 13.61 Collectors of firearms should not generally be registered as dealers in respect of their collections (see chapter 16). Special arrangements apply to collections of firearms held by museums (see chapter 17), though in cases where a museum holds only a few firearms (for example, as part of a stately home), the grant of a firearm certificate may be appropriate.
- 13.62 The term “trophy of war” is not defined in legislation, but is generally held to refer to firearms either carried on active service or captured from the enemy. The term may be interpreted fairly widely when persons of good repute wish to retain possession of a firearm without the associated ammunition, providing that it is not government property. Weapons issued or captured after the Second World War are government property and their retention is not permitted. This applies to weapons brought back from other conflicts, for example, the Falklands campaign in 1982 and the Gulf War in 1990-91, or more recently Afghanistan (2001 to present) or Iraq (2003 to 2011).
- All persons retaining trophies of war must hold a certificate but no fee is payable for this (as per section 32(4) of the 1968 Act). No ammunition should be included on a certificate relating solely to a trophy of war. Handguns may be retained as trophies of war under section 6 of the 1997 Act without obtaining the authority of the Secretary of State or the Scottish Ministers, however, this is provided that the person is authorised to possess it by a firearm certificate, and provided that the trophy of war was acquired before 1st Jan 1946.
- 13.63 Firearms acquired from the original holder and no longer held as family heirlooms should not normally be regarded as “trophies of war” and should be subject to the normal firearm certificate procedure. They may qualify for Section 7.1 or 7.3 status. Firearms recovered from wrecked ships and crashed military aircraft cannot be regarded as trophies of war and their retention, unless authorised by the Receiver of Wreck or the Ministry of Defence, cannot be authorised.

13.64 The provisions of section 6 of the 1997 Act make no mention of the inheritance of handguns held as trophies of war so these cannot be inherited directly under those provisions. However, the Home Office is prepared, in principle, to grant the Secretary of State's authority to allow new heirs to inherit such weapons, and they may then be entered on the heir's certificate as "trophies of war" in the usual way.

## Signalling apparatus

13.65 Signalling apparatus may include flare pistols of up to one-and-a-half inch (37mm) calibre, and pen-type launchers for distress flares, as well as bird scaring apparatus used at airports or for agricultural bird scaring, where use of a conventional shotgun would be inappropriate. Permission to possess such items is normally granted to ships' masters as part of ships' equipment, to small boat owners, to harbour or airport employees, farms/estate managers (bird scaring) or to members of mountain rescue teams. Deerstalkers, wildfowlers or hill walkers who operate in isolated areas may also need to seek authority to carry some form of distress flare.

13.66 Flares of a kind that use a male spigot launcher are not subject to controls and are commonly used by mariners, hill walkers and others. Likewise, gas powered 'guns' and blank firing guns used by farmers to scare birds from crops are not subject to certification, and controlled firearms are not generally needed for this purpose. However, the ammunition for such bird scaring equipment is usually a single projectile, and is thus subject to certification. Line-throwing rockets (and their launchers/projectors) and similar devices for throwing ropes to ships in distress are not generally considered to be "firearms" for certification purposes.

## Controlling Races

13.67 Section 5 of the 1997 Act states that a section 5 authority is not required to possess a small firearm (handgun) under section 5(1)(aba) of the 1968 Act, at an athletics meeting for the purpose of starting races. The same is true in order to possess, purchase, acquire, sell or transfer a small firearm (handgun) for this specific purpose, provided a certificate is held, subject to the condition that its use must be connected with starting races at athletic meetings. This is intended to allow starters, who may not necessarily be the certificate holder, to use guns that produce a muzzle-flash to start races at which records might be set. In practice, only those starters who have achieved level 2c<sup>1</sup> or 3 under the UK Athletics (UKA) grading structure should be granted a certificate. Or, in the case of level 2c, only those who meet the criteria as set out in section 6.40 should be regarded as sufficiently qualified. Starters of swimming, cycling and other races have no need of working firearms and may use blank-firing pistols which are not subject to certification.

13.68 Small cannons of the kind used for starting (or controlling) yacht races may be authorised for members of yacht clubs and similar maritime associations. These should be treated as signalling apparatus for certification purposes and should only be authorised for use with blank ammunition, (see chapter 6).

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<sup>1</sup> 2c is an official qualified up to and including regional levels of meetings and sits just below level 3.

## Historical re-enactment

13.69 The use of firearms in historical re-enactment is most commonly associated with the Sealed Knot and other groups who recreate the English Civil War era, such as the English Civil War Society. However, periods covered by re-enactors using firearms extend from the Middle Ages to the Second World War and later. Re-enactors possessing black powder (gunpowder) will also need an Explosives Certificate. Muzzle-loading muskets and small cannon are classed as section 2 shotguns for certification purposes. Re-enactors may also use imitation and de-activated firearms which are not subject to certification, especially for the more modern period. However, re-enactors will often wish to demonstrate the workings of their weapons in detail, and section 1 weapons will be appropriate for this purpose.

A distinction is made between battle re-enactors and those involved in historical performance where there are characters in a public presentation using some form of a script and rehearsals and firearms and blank ammunition may be needed as props. In the absence of Court rulings, chief officers of police may consider that only the latter qualify for the exemption to hold a certificate under section 12(1) of the 1968 Act (see also chapter 6).

13.70 Firearms commonly used for re-enactment may include rifles (generally bolt-action or single shot), rifled muskets and other muzzle-loading small-arms, muzzle-loading cannon, other artillery, and guns mounted on tanks, ships and other armoured fighting vehicles. Many Lee-Enfield .303 “rifles” and any other rifles of World War One and Two vintage will have been smooth-bored in the past for use as shotguns, albeit now held as section 1 weapons with large capacity or detachable magazines. For large guns with a crew, for example, a muzzle-loading cannon over 2 inch bore, only the gun captain need hold a firearm certificate. Live ammunition for target shooting should not generally be authorised for weapons used for re-enactment. Antique weapons fired with blank ammunition (for example Snider-Enfield and Martini Henry rifles used by Victorian re-enactment groups) should be held on certificate. If any weapon is used for more than one purpose – for example, a re-enactor may wish to hold the same weapon for muzzle-loading target shooting – it should be able to be clarified for the chief officer of police to record the case.

13.71 Re-enactors will normally be a member of an appropriate society for the historical period concerned and be authorised to possess firearms relating to the period and the role played, though this is not a requirement. Some re-enactors, in particular cavalry soldiers, may be members of several societies and play a range of roles with need for a mixture of historical weapons. Muzzle loading pistols, including muzzle-loading revolvers used by American Civil War re-enactors and “Western Groups”, will normally be authorised for those playing officers, cavalry soldiers or cowboys. In cases of doubt the chief officer of police may wish to consult with the officers and officials of the relevant re-enactment society concerned.

## Theatrical use

13.72 Section 12 of the 1968 Act permits people taking part in a theatrical performance, rehearsal or the production of a cinematographic film to possess genuine firearms during the performance or rehearsal. Under these circumstances, a firearm certificate may be issued to the theatre manager or film production armourer (for these purposes, ‘film’ may be held to include television). Persons under eighteen do not qualify for this exemption by virtue of sections 27 and 28 of the 1968 Act, as amended by regulation 4(2) and 4(3) respectively of the 1992 Regulations. For authenticity, there may also be occasions where a genuine prohibited firearm may be possessed during the performance or rehearsal.

In these circumstances, a section 5 authority will be issued by the Secretary of State, for England and Wales, or Scottish Ministers to the theatre manager or film production armourer. In all circumstances, the firing of live ammunition during performance or rehearsal is not permitted. See also paragraph 13.69 for the distinction between historical performance and battle re-enactment. For more information on the possession and use of prohibited firearms for theatrical and cinematic use see chapter 3.

## Component parts

- 13.73 Component parts of firearms are also subject to certificate control, and may be authorised if a shooter needs replacement or interchangeable parts.
- 13.74 The term “component part” may be held (according to case law) as including (i) the barrel, chamber, cylinder, (ii) frame, body or receiver, (iii) breech, block, bolt or other mechanism for containing the charge at the rear of the chamber (iv), any other part of the firearm upon which the pressure caused by firing the weapon impinges directly. Magazines, sights and furniture are not considered component parts. The 9th report of the Firearms Consultative Committee provides additional information on this subject.
- 13.75 Spare cylinders for muzzle-loading revolvers are not normally authorised except for use in “Bianchi” style competitions under National Rifle Association approved courses of fire. It should be noted, however, that some cased sets, both antique and modern reproductions, will contain a spare cylinder, or cylinders, and these may be properly included on certificate for both possession and use.
- 13.76 The Violent Crime Reduction Act 2006 (section 31, which amended section 3 of the 1968 Act) makes it an offence for anyone to sell or transfer an air weapon, **including their component parts and accessories (See 13.73 and Home Office circular 031/2007)** by way of trade or business unless they are registered with the police as a firearms dealer under section 33 of the 1968 Act.

Spare shotgun barrels are not subject to certificate control except for dealers (see chapter 2). With regard to air weapons the pressure bearing parts are the barrel, cylinder or reservoir and the piston. Buddy bottles used for filling the reservoir of pre-charged pneumatic air weapons are not considered to be components.

With modern developments in firearms design many modular systems have come onto the market. A modular rifle can be easily changed to other cartridges by fitting interchangeable barrels and/or bolt components to the action. Each new barrel and/or bolt component will require a variation as they are pressure bearing component parts.

## Sound Moderators

- 13.77 Sound moderators are subject to certificate control as “items designed to reduce the noise or flash of a firearm”. Sound moderators are often used for shooting game, deer, or vermin. In the case of the latter, they might facilitate more effective pest control. They are appropriate for reducing hearing damage to the shooter, or to reduce noise nuisance, for example, for deer control in urban parks, or close to residential properties, or to reduce recoil of the rifle. “Good reason” to possess a rifle for shooting game, vermin or deer should normally imply “good reason” to possess a sound moderator. It should be noted that sound moderators on air weapons or section 2 shotguns are not considered to be component parts. Chief officers of police should also be aware of the case of *Broome v Walter* (1989) where it was found that

an integral sound moderator, that is one that is part of the firearm, does not require separate authorisation. Whilst sound moderators for air weapons are not subject to certificate control they will need to be accounted for in dealers registers when they are in the dealers stock.

- 13.78 Some target shooting events where fire and movement is conducted on field firing ranges may require the use of sound moderators, for example, where hearing protection may impede the shooter and where voice commands need to be heard or given by the shooter for safety and continuity.
- 13.79 Sound moderators should be assigned a calibre, but it is good practice to permit them to be used with more than one calibre of firearm. It is a matter for the individual shooter, subject to the “good reason” test, to decide whether to use a moderator on more than one suitable firearm or to have individual moderators for each firearm.

## Firearms for personal protection

- 13.80 Applications for the grant of a firearm certificate for the applicant’s, or another’s, protection, or that of premises, should be refused on the grounds that firearms are not an acceptable means of protection in Great Britain. It has been the view of successive Governments for many years that the private possession and carriage of firearms for personal protection is likely to lead to an increase in levels of violence. This principle should be maintained in the case of applications from representatives of banks and firms protecting valuables or large quantities of money, or from private security guards and bodyguards. The exception to this would be armed guards on UK flagged ships, the justification being the unique threat posed by piracy to cargo and passenger ships in specific high risk geographical areas.

## Members of the Armed Forces and Police Authorised Firearms Officers

- 13.82 A person in the Armed Forces who wishes to purchase, acquire or have in their possession any firearm for their own private use (that is, as a private citizen rather than in the course of their military duties) must apply to the local chief officer of police for a certificate, and have their application considered in the normal way (including payment of the appropriate fee). “Military training”, “TA training” and “membership of the Army Rifle Association” are not considered to meet the “good reason” requirement.

Possible reasons for the grant of a certificate include: membership of a recognised civilian or military target shooting club, sporting purposes, or shooting vermin. Similar provisions apply to applications from police Authorised Firearms Officers who wish to shoot in a private capacity.

- 13.83 The Ministry of Defence would appreciate a report being sent to the Commanding Officer of any member of the armed forces who requests a Firearm Certificate quoting “Military Training” or “TA Training” as “good reason” to possess a privately owned firearm.

## Reloading firearms ammunition (home loading)

- 13.84 Certificate holders often load their ammunition in order to improve the accuracy of their firearms. There are too many technical factors to cover within this guidance, and advice should be sought from shooting associations or competent reloaders if the need arises. Suffice it to say that rifling, propellant charge, the design of a bullet, its individual weight and velocity all affect a given round’s range, accuracy and terminal effect on the quarry concerned. For these reasons, certificate holders who reload may wish to acquire a variety of different bullet weights and designs for load development for different applications.

- 13.85 For quarry shooting some bullet designs (soft nose, hollow nose, ballistic tip, thin or thick jacketed or core bonded) may be preferred over another with regard to their behaviour when they strike the quarry or pest species. Certificate holders often develop their preferences based on their own research and development through home loading.
- 13.86 Whilst there may be some small cost benefit, more often the reasons for home loading are the pursuit of accuracy, safety and performance. Where performance is involved; different quarry types and their physical makeup, the different ranges in which they are to be engaged (e.g. lighter or smaller flatter trajectory bullets for foxes and heavier bullets for deer) all vary, and home loaders may wish to experiment to ascertain the best combinations. It is not unusual for home loaders to manufacture two or three specific rounds in the same calibre for different species e.g. fox, small deer and large deer; this is to achieve a clean kill of more than one species without having to change firearms.
- 13.87 Home loaders will usually manufacture various batches for testing using a chronograph to measure velocity and thus ascertain the best combinations. Whilst a chronograph is important to home loaders; it is of utmost importance for ammunition intended for use on animals due to legislative requirements such as in the deer acts (see chapter 14 for more information).
- 13.88 Whilst there are no limits imposed on the number of solid (non-expanding) projectiles that a certificate holder may purchase for manufacturing ammunition, a home loader must not manufacture more than the maximum quantity of ammunition authorised by their firearm certificate.
- 13.89 Some reloaders may test ammunition by firing groups of 3 to 5 rounds, and repeat the group several times to measure consistency. As bullet designs, cases, primers and propellants are so varied, it is not unusual for home loaders to require larger amounts of missiles (bullets) for their research, and possess them in addition to any factory or other home loaded ammunition already held. Load development can be a long process, especially with unusual cartridges; particularly as new products become available.
- 13.90 It is clear that there are circumstances where home loaders may need to acquire increased quantities of expanding bullets. This can be achieved by authorising a further allocation of expanding missiles separately to the ammunition already authorised. This will allow missiles (bullets) to be held independently from ammunition and allow flexibility where different types and weights of bullet are required.
- 13.91 Bullets for home loading are normally sold in boxes of at least a hundred, so authorities to possess should be in multiples of 100.
- 13.92 Some certificate holders may wish to manufacture their own sub-calibre ammunition to achieve flexibility with their rifle when pursuing different quarry or pest species. In order to do this, they will need to acquire expanding missiles in smaller calibre such as .220 inches (.224 actual) for loading into .30 calibre sabot cartridges for example. Authorities for expanding missiles may be granted for this use.
- 13.93 Details of relevant explosives legislation governing the manufacture and storage of ammunition and shooters powders can be obtained in the first instance from the local force Explosive Liaison Officer (ELO) or from the Explosives Policy Team, Health & Safety Executive, 5S.G Redgrave Court, Merton Road, Bootle, Merseyside, L20 7HS.

## Quarry Shooting

Note that the absence of a calibre in the table below **should not** preclude it being considered by the Police. The purpose of this table is as a guide to establish initial “good reason”.

Paragraphs 13.9 and 13.16-13.18 should be read in conjunction with this table.

Cartridges	Muzzle energy (ft lb)	Vermin & ground game and other small quarry <sup>3</sup>	Fox and other medium quarry <sup>4</sup>	Deer and other large quarry <sup>5</sup>	Dangerous Game <sup>6</sup>
.177-.25 Air Rifles (FAC) <sup>1</sup> .22 RF .17 Mach 2 .17 HMR .22 WMR .17 Remington <sup>2</sup> .22 Hornet <sup>2</sup> .204	>12 ft lb 100-200 650-700 800-900	Yes	No  (Yes for .17 Remington & HMR, .22 Hornet and WMR – also .22 RF in certain circumstance (see 13.25))	No	No
.17 Remington <sup>2</sup> .218 Bee .22 Hornet <sup>2</sup> .22-.250 .220 Swift .222 Remington 5.56mm/.223 .243 6mm PPC 6mm/.244	800-900 600-800 650-700 1,350-1,500 1,300-1,900 900-1,000 1,000-1,400 1,600-2,000 1,300-1,800 1,800-2,100	No  (Yes for .17 Remington & HMR, .22 Hornet and WMR)	Yes	No <sup>7</sup>  (Yes for Muntjac and Chinese water deer in England and Wales with .222 and greater, .243 & 6mm/.244)  Yes in Scotland for Roe Deer with .222 and greater.)	No
.243 6mm/.244 .25-06 6.5mm x 55/.256 .257 Weatherby .264 .270 7mm/.275 .284 .30-06 .303 7.62mm x 51/.308 .444 Marlin .45-70	1,600-2,000 1,800-2,100 2,000-2,400 1,800-2,400 2,400-2,900 1,600-2,900 2,450-2,700 2,200-2,400 2,250-2,800 2,600-3,000 1,900-2,400 2,400-2,600 2,500-3,000 1,600-2,400	No	No  (Yes for .243 & 6mm/.244)  (see also paragraph 13.25)	Yes  (but see paragraph 13.30-13.34)	No

Cartridges	Muzzle energy (ft lb)	Vermin & ground game and other small quarry <sup>3</sup>	Fox and other medium quarry <sup>4</sup>	Deer and other large quarry <sup>5</sup>	Dangerous Game <sup>6</sup>
.338	3,800-4,000	No	No	No	Yes
.375	4,500-5,000				
9.3mm Mauser	3,500-3,900				
.416	5,800-6,000				
.458 Win Mag	2,900-4,900				

- 1 FAC air rifles are not suitable for animals larger than vermin or ground game.
- 2 .17 Remington and .22 Hornet would be suitable for use against vermin in specific circumstances (also see paragraph 13.19). Foxes may be shot using .22RF but only at short range,
- 3 Vermin & Ground Game and other Small Quarry – rat, hare, rabbit, grey squirrel and other similar sized quarry.
- 4 Medium Quarry – fox, feral cat and other similar sized quarry.
- 5 Larger Quarry – feral goat, deer, boar, and other similar sized quarry.
- 6 Dangerous Game – lion, elephant, buffalo, bear etc.
- 7 But note legal requirements for shooting Roe Deer in Scotland set out in paragraph 13.34.

# Chapter 14: Law on Shooting Birds and Animals

14.1 This chapter outlines the main legal provisions, outside the Firearms Acts, which relate to the shooting of birds and animals. Chief officers of police will wish to be aware of these in drafting conditions (see Appendix 3) and otherwise authorising shooting which may conflict with these provisions. The laws are varied and complex and chief officers may wish to consult relevant contacts about specific legislation.

## Deer

### England and Wales

14.2 Section 4(2) of the Deer Act 1991, as amended by the Regulatory Reform (Deer)(England and Wales) Order 2007 (SI 2007/2183), prohibits the use of certain types of firearm or ammunition for the purpose of taking, killing or injuring deer. These are set out in Schedule 2 of the Act (note that Schedule 2 is not amended by the 2007 Order):

**Firearms:** any smooth-bore gun; any rifle having a calibre of less than .240 inches or a muzzle energy of less than 2,305 joules (1,700 foot pounds); any air gun, air rifle or air pistol (see also 14.5).

**Ammunition:** any cartridge for use in a smooth-bore gun; any bullet for use in a rifle other than a soft-nosed or hollow-nosed bullet.

14.3 Exceptions to section 4(2) (firearms and ammunition) are set out in section 6(5) and 6(6). Exceptions to section 4(2) and section 2 (taking or killing deer during close season) are set out in section 7 of the Act.

14.4 Section 6(5) provides that a person is not guilty of an offence under section 4(2)(a) by reason of the use as a slaughtering instrument to prevent the suffering of an injured or diseased deer, if they use for the purpose of killing any deer a smooth-bore gun which:

- a) is of not less gauge than 12 bore;
- b) has a barrel less than 24 inches (609.6 millimetres) in length; and
- c) is loaded with a cartridge purporting to contain shot none of which is less than .203 inches (5.16 millimetres) in diameter (size AAA or any larger size).

14.5 Section 6(6), as inserted by the Regulatory Reform (Deer)(England and Wales) Order 2007, provides that a person is not guilty of an offence under section 4(2)(a) if they use for the purpose of taking or killing or injuring any Chinese water deer or muntjac deer –

- a) a rifle having a calibre of not less than .220 inches and a muzzle energy of not less than 1,356 joules (1000 foot pounds), and
  - b) a soft-nosed or hollow-nosed bullet weighing not less than 3.24 grammes (50 grains).
- 14.6 Section 7 refers to exceptions for the occupier of land where deer are, or someone having rights to kill deer on that land (or a person with the written authority of either type of person), and provides that a person is not guilty of an offence under section 2 (taking or intentionally killing a deer during the close season) if:
- a) it has taken place on any cultivated land, pasture or enclosed woodland; and
  - b) if they had reasonable grounds for believing that deer of the same species were causing, or had caused, damage to crops, vegetables, fruit, growing timber or any other form of property on the land; and
  - c) that further serious damage was likely to be caused, and his action was necessary to prevent any such damage.
- 14.7 In this instance a person would not be guilty of an offence under section 4(2)(a) by reason of the use, for the purposes of taking or killing any deer on any land, of any smooth-bore gun of not less gauge than 12 bore which is loaded with either:
- i) a cartridge containing a single non-spherical projectile weighing not less than 22.68 grammes (350 grains); or
  - ii) a cartridge purporting to contain shot each of which is .203 inches (5.16 millimetres) in diameter (size AAA).
- 14.8 It should also be noted that the deer must be shot on the land where the damage is being caused, and not elsewhere (such as neighbouring land).
- 14.9 Section 8 (as amended by Regulatory reform (Deer) (England and Wales) Order 2007) of the Act makes provision for licences to be issued by Natural England or the Countryside Council for Wales to take deer alive for scientific or educational purposes, or for the purpose of removing deer from one area to another, or to shoot deer during the close season or at night for the purpose of preserving public health or public safety, for conserving the natural heritage, or, in the case of shooting at night, for preventing serious damage to property.
- 14.10 The Deer Initiative publishes Best Practice guidance on Close Season Shooting and on Night Shooting, which anyone issued with such a licence would be expected to follow. Similarly within Scotland, Scottish Natural Heritage publish Best Practice guidance on the management of wild deer in Scotland.

14.11 Schedule 1 of the Act (as amended) sets out the close seasons for deer:

**Red Deer**

Stags 1 May to 31 July inclusive.  
Hinds 1 April to 31 October inclusive.

**Fallow Deer**

Buck 1 May to 31 July inclusive.  
Doe 1 April to 31 October inclusive.

**Roe Deer**

Buck 1 November to 31 March inclusive.  
Doe 1 April to 31 October inclusive.

**Sika Deer**

Stags 1 May to 31 July inclusive.  
Hinds 1 April to 31 October inclusive.

**Red/Sika Hybrids**

Stags 1 May to 31 July inclusive.  
Hinds 1 April to 31 October inclusive.

**Chinese Water Deer**

Buck 1 April to 31 October inclusive.  
Doe 1 April to 31 October inclusive.

**Muntjac Deer**

No statutory close season (this species breeds all year round).

## Mercy Killing

14.12 Section 6 (4) of the Deer Act 1991, as amended by the Regulatory Reform (Deer) (England and Wales) Order 2007, enables a person to use “any reasonable means” to kill any deer if he reasonably believes that the deer has been so seriously injured (otherwise than by his unlawful act), or in such a condition that he reasonably believes killing it to be an act of mercy. ‘Any reasonable means’ is defined in s6 (4A) as, “any method of killing a deer that can reasonably be expected to result in rapid loss of consciousness and death and which is appropriate in all the circumstances (including in particular what the deer is doing, its size, its distance from the closest position safely attainable by the person attempting to kill the deer and its position in relation to vegetative cover). Note that where this defence applies, a person will not be guilty of an offence under section 4(1) or 4(2).

## Culling of Dependent Young

14.13 Amendments to the Deer Act 1991 made through section 6(2A) of the 1991 Act, inserted by the 2007 Order, have meant that it is not an offence for a person to take or kill a deer during the close season or at night where he reasonably believes the deer has been deprived of a female deer on which it was dependent or is about to be deprived as a result of disease or lawful taking or killing of a female deer on which it is dependent. Where section 6(2A) defence applies, a person is not guilty of an offence under section 2 or 3. Section 2 refers to the taking or killing of deer in close season, not outside of it.

## Scotland

14.14 Under section 21 of the Deer (Scotland) Act 1996 (as amended by the Wildlife & Natural Environment (Scotland) Act 2011), the Secretary of State for Scotland may make an order regarding the classes of firearms, ammunition, sights and other equipment that may lawfully be used to kill or take deer. The current order on this point is the earlier Deer (Firearms etc) (Scotland) Order 1985 and the main provisions are as follows:

- a) For the shooting of deer of any species, a bullet of an expanding type designed to deform in a predictable manner of not less than 100 grains (6.48 grams) with a muzzle velocity of not less than 2,450 feet per second (746.76 metres per second) and a muzzle energy of not less than 1,750 foot pounds (2,373 joules) may be used.

For the shooting of **roe deer only**, a bullet of an expanding type designed to deform in a predictable manner of not less than 50 grains (3.24 grams) with a muzzle velocity of not less than 2,450 feet per second (746.76 metres per second) and a muzzle energy of not less than 1,000 foot pounds (1,356 joules) may be used.

- b) Where an occupier of agricultural land or of enclosed woodland has reasonable grounds for believing that damage will be caused to crops, pasture, trees or human or animal foodstuffs on that land if deer are not killed, a shotgun may be used.
- c) Any shotgun used must be of a gauge not less than 12 bore and be loaded with the following ammunition (as specified in the Deer (Firearms etc) (Scotland) Order 1985):
  - i. For shooting deer of any species, a single non-spherical projectile weighing not less than 380 grains (24.62 grams); or
  - ii. For shooting deer of any species, a cartridge purporting to contain not less than 550 grains (35.64 grams) of shot, none of which is less than 0.268 inches (6.81 millimetres) in diameter, that is to say size SSG or larger; or
  - iii. For shooting roe deer, a cartridge purporting to contain not less than 450 grains (29.16 grams) of shot, none of which is less than 0.203 inches (5.15 millimetres) in diameter, that is to say size AAA or larger.

Section 26(2) of the 1996 Act makes provision as to who may use a shotgun to kill deer:

- d) The occupier suffering damage to those interests outlined above and;

If duly authorised in writing by the occupier suffering damage for the purpose, any or all of:

- i. the owner in person.
- ii. the owner's employees.
- iii. the occupier's employees, or any other person normally resident, on the land.
- iv. any other person approved in writing by Scottish Natural Heritage as a fit and competent person for the purpose.

- 14.15 Occupiers may control deer over agricultural land or enclosed woodland in season under section 26(1) of the Deer (Scotland) Act 1996 (as amended). Out of season control may be carried out under general or specific authorisation obtained from Scottish Natural Heritage.
- 14.16 All control of deer out of season must be authorised by Scottish Natural Heritage. Authorisations granted may be general or specific in nature.
- 14.17 A general authorisation allows for owners and occupiers suffering damage to improved agricultural land or enclosed woodland to cull deer for the purpose of preventing damage. General authorisation does not allow the culling of female deer over one year old of any species between the period of the 1 April and the 31 August. The owner, owner's employees, the occupier's employees or any other person normally resident on the land can carry out control under any general authorisation on enclosed woodland and improved agricultural land without the need to be on the Scottish Natural Heritage fit and competent register.
- 14.18 Those operating under a general authorisation must have read and understood the general authorisation and carry out any control in accordance with the conditions listed on the authorisation. This general authorisation and its conditions are subject to yearly review and a current copy may be found at <http://www.snh.gov.uk>.
- 14.19 Specific authorisations may be sought for the control of deer to prevent damage to unenclosed woodland or natural heritage, to protect public safety, or for scientific purposes. In addition, specific authorisation must be sought for the control of female deer of any species between 1 April and 31 August.
- 14.20 Specific authorisations are generally granted only to owners or occupiers of ground or persons nominated by them in writing and who are registered with Scottish Natural Heritage as fit and competent. Exemptions may apply for those controlling female deer in enclosed woodland or on agricultural ground between 1 April and 31 August.
- 14.21 In Scotland, driving deer with the intention of taking or killing is an offence under section 19 of the 1996 Act. However, Scottish Natural Heritage may authorise owners of land which deer are on, or any person nominated in writing by them, to use any vehicle to drive deer in order to take or kill them for the purposes of deer management.
- 14.22 Close seasons in Scotland are provided in the Deer (Close Seasons) (Scotland) Order 2011 (SI 2011/417), and are as follows:

#### **Red Deer**

- |       |                                      |
|-------|--------------------------------------|
| Stag  | 21 October to 30 June inclusive.     |
| Hinds | 16 February to 20 October inclusive. |

#### **Fallow Deer**

- |      |                             |
|------|-----------------------------|
| Buck | 1 May to 31 July inclusive. |
| Doe  | 16 February to 20 October.  |

#### **Roe Deer**

- |      |                                   |
|------|-----------------------------------|
| Buck | 21 October to 31 March inclusive. |
| Doe  | 1 April to 20 October inclusive.  |

### **Sika Deer**

Stag 21 October to 30 June inclusive.  
Hinds 16 February to 20 October inclusive.

### **Red/Sika Hybrids**

Stags 21 October to 30 June.  
Hinds 1 6 February to 20 October.

### **Muntjac and Chinese Water Deer**

No statutory close season.

14.23 Note: The functions of the Deer Commission were transferred to the Scottish Natural Heritage in 2010, and the commission was dissolved. The Public Services Reform (Scotland) Act 2010 achieved this transfer of functions. Schedule 1 of this act contains the amendments that were made to the Deer Scotland Act 1996 to achieve this.

## **Night Shooting of Deer**

### **England and Wales**

- 14.24 Section 3 of the Deer Act 1991 makes it an offence to take or intentionally kill a deer at night. 'Night' is defined as being the period between the expiry of the first hour after sunset and the beginning of the last hour before sunrise.
- 14.25 A person may shoot deer at night under the provisions of a licence issued by Natural England or the Countryside Council for Wales under section 8 of the 1991 Act for the purpose of preserving public health or public safety, for conserving the natural heritage, or for preventing serious damage to property.
- 14.26 A person shall not be guilty of an offence if the shooting of deer at night is conducted in pursuance of a notice issued by Defra under section 98 of the Agriculture Act 1947. No person shall also be guilty of an offence if deer are killed at night if such a killing is to prevent the suffering of an injured or diseased deer under section 6(2) of the Deer Act 1991 Act.

### **Scotland**

- 14.27 Section 18 of the Deer (Scotland) Act 1996 (as amended by section 26(5) of the 2011 Act) makes it an offence to take or willfully kill or injure deer at night. 'Night' is again defined as being the period between the expiry of one hour after sunset and the beginning of the last hour before sunrise. An occupier or person nominated by the occupier must satisfy Scottish Natural Heritage that they are fit and competent to receive authorisation (see section 37(1)), they may then be granted authorisation from Scottish Natural Heritage to shoot deer at night if:
- i. either the taking or killing is necessary to prevent damage to crops, pasture, human or animal foodstuffs, or to woodland; or
  - ii. the taking or killing is in the interests of public safety, and
  - iii. no other means of control which might be reasonably adopted in the circumstances would be adequate.

14.28 Scottish Natural Heritage publishes a code of practice for night shooting (see section 37(5) of the Deer (Scotland) Act 1996), which sets out the conditions which a certificate holder is obliged to follow. These are:

- i. The authorisation document must be completed and returned to Scottish Natural Heritage not later than seven days after the date of expiry with details of any deer killed under authorisation.
- ii. Scottish Natural Heritage reserves the right to accompany controllers at any time to determine that the terms and conditions of the authorisation are being applied.
- iii. Scottish Natural Heritage may withdraw the authorisation at any time.
- iv. That the person authorised will comply with the Code of practice for Shooting Deer at Night (updated 4 July 2003).
- v. That the person authorised will inform the local police and neighbours of the times night shooting will take place.
- vi. That prior to commencement of shooting, the person authorised will warn any person, who to that person's knowledge, is likely to be on the land at the above mentioned location of the issue of this authorisation and the intention to take or kill deer.
- vii. The authorised person must comply with The Deer (Firearms etc.) (Scotland) Order 1985 and appropriate sections of the Deer (Scotland) Act 1996 (as amended).
- viii. A minimum of two persons are required to operate under this authorisation.
- ix. In woodland, a suitable dog must be present to track wounded deer and prevent unnecessary suffering.

14.29 There is no longer a requirement to use larger calibre rifles for night shooting; controllers must ensure firearms meet minimum requirements as set out in 14.14.

14.30 Use of head and neck shots are not recommended for night shooting. As with all other authorisations, minimising the risk to public safety and protecting animal welfare are the controller's responsibility.

14.31 For Scotland, further advice on the 1996 Act and its revisions can be obtained from Scottish Natural Heritage.

## **Wildlife and Countryside Act 1981**

14.32 The 1981 Act makes it a criminal offence to intentionally or recklessly kill injure or take any wild bird. However, quarry species (listed in Schedule 2, Part I) may be killed during prescribed open seasons. In certain circumstances an 'authorised person' is also permitted to kill or take certain species during the closed season covered by General or Personal Licences.

14.33 Copies of General Licences are available online at the following links:

## England

Natural England: [www.naturalengland.org.uk/ourwork/regulation/wildlife/licences/generallicences.aspx](http://www.naturalengland.org.uk/ourwork/regulation/wildlife/licences/generallicences.aspx);

## Wales

The Welsh Assembly: <http://wales.gov.uk/topics/environmentcountryside/consmanagement/conservationbiodiversity/wildlifelicences/wildlifelicences/?lang=en>

## Scotland

Scottish Natural Heritage: <http://www.snh.gov.uk/protecting-scotlands-nature/species-licensing/bird-licensing/general/>

14.34 Personal Licences may be issued by wildlife licensing authorities to individuals or groups of people. Section 27 of the Wildlife & Countryside Act 1981 as amended in Scotland (ASP 6/2011) does not define game birds separately from wild birds; birds such as common pheasant and red grouse are 'wild birds'. It is possible to shoot them in the open season without a licence, but a licence is required to shoot them in close season (see paragraphs 14.43 and 14.44 below).

14.35 A number of animals are protected under Section 9 of the Wildlife and Countryside Act 1981 (as amended) via their inclusion in Schedule 5 of the Act. These species include:

- i. red squirrels,
- ii. dormice,
- iii. water voles and
- iv. adders.

14.36 In England and Wales, those animals that are known as European protected species (including all bats, otters and whales) are included in Schedule 5 for certain offences, but receive protection mainly from the Conservation of Habitats and Species Regulations 2010 in England and Wales. In Scotland, European protected species receive protection through the 2010 Regulations (SI 2010/490) for reserved matters and through the Conservation (Natural Habitats) Regulations 1994 (SI 1994/2716) (as amended in Scotland).

14.37 It is an offence to intentionally (or recklessly) kill or injure any species listed in Schedule 5 of the 1981 Act. Schedule 5 species are also protected against intentional or reckless taking. This includes the intentional or reckless damage, destruction or obstruction of any structure the animal uses for shelter or protection, or disturbing the animal while it is occupying such a structure.

14.38 In brief, the exceptions to the offences in relation to birds and animals include:

- i. humane destruction of sick or injured birds or animals where there is no reasonable chance of recovery and, in England and Wales, where there is no satisfactory alternative. Further guidance on this exception can be sought from Defra;

- ii. taking injured birds or animals for the purpose of rehabilitation
- iii. where the act was the incidental result of a lawful operation and could not reasonably have been avoided, in circumstances where the person concerned could not reasonably have foreseen that the unlawful act would be an incidental result of carrying out the lawful operation:
- iv. if it can be shown that action was necessary for the purpose of preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber or any other form of property or to fisheries under the 'farmer's defence';
- v. under a licence issued by the relevant licensing authority; or
- vi. the killing of certain species.

## Taking and killing under the Wildlife and Countryside Act 1981

14.39 Species listed in Schedule 2, Part I (Part IA in Scotland) of the 1981 Act may be killed or taken outside the close season.

14.40 Species include:

- Canada Goose
- Coot
- Common Snipe
- Gadwall
- Goldeneye
- Golden plover
- Greylag Goose
- Mallard
- Moorhen
- Pink-footed Goose
- Pintail
- Pochard
- Shoveler
- Teal
- Tufted Duck
- White-fronted Goose (England and Wales only)
- Wigeon
- Woodcock

Ducks and geese (inland) may be taken or killed from 1 September to 31 January; and those in or over any area below the high-water mark of ordinary spring tides may be taken or killed from 1 September to 20 February. See sections 2(4)(c) and (d) of the Act.

Note: In England and Wales the high-water mark is "the area of sea shore which is more often than not covered by the flux and reflux of the four ordinary tides occurring midway between springs and neaps". For Scotland it is "the area between high and low water marks of ordinary spring tides".

## Dates when other birds may be taken or killed (all dates are inclusive);

Coot, Moorhen, and Golden Plover may be taken or killed outside the close season from 1 September to 31 January in England, Wales and Scotland.

Common Snipe      12 August – 31 January (England & Wales)  
                          12 August – 31 January (Scotland)

Woodcock            1 October – 31 January (England & Wales)  
                          1 September – 31 January (Scotland)

Under Section 2(3) the shooting of waterfowl and waders listed in Parts I and IA of Schedule 2 on Sundays and Christmas Day is not permitted in Scotland or in the following English and Welsh counties and boroughs (or the areas they once covered):

- Anglesey
- Brecknock
- Caernarvon
- Carmarthen
- Cardigan
- Cornwall
- Denbigh
- Devon
- Doncaster
- Glamorgan
- Great Yarmouth County Borough
- Isle of Ely
- Leeds County Borough
- Merioneth
- Norfolk
- Pembroke
- Somerset
- North and West Ridings of Yorkshire.

14.41 Section 5(1)(c) and 11(2) of the 1981 Act also prohibits the use of automatic and semi-automatic weapons (automatic weapon and semi-automatic weapon as defined in Section 27 do not include any weapon where the magazine is incapable of holding more than two rounds) for killing or taking of Schedule 6 wild animals and all birds, except under a licence issued by the relevant wildlife licensing authority for each UK country.

## Conservation of Habitats and Species Regulations 2010

14.42 These regulations (also known as the 'Habitats Regulations') give protection to certain animal species which are known as European protected species, including all bats, otters, dormice, Scottish wildcat, dolphins, porpoises and whales.

It is an offence to deliberately (or recklessly in Scotland) capture, injure or kill any wild animal of a European protected species. It is also an offence to deliberately (or recklessly in Scotland) disturb, to deliberately (or recklessly in Scotland) take or destroy eggs, or to damage or destroy a breeding site or resting place of such an animal (note: there is no requirement for the final offence to be deliberate or reckless, regulation 39 of the Conservation (Natural Habitats etc) Regulation 1994 (SI 1994/2716) makes equivalent provision for Scotland).

The exceptions to the offences are:

- i. capture, possess, control or transport a disabled animal for the purpose of rehabilitation (the defence can only be used provided that there is no satisfactory alternative course of action and the intended action would not be detrimental to maintaining the favourable conservation status of the species);
- ii. the humane destruction of sick or injured animals where there is no reasonable chance of the animal's recovery (the defence can only be used provided that there is no satisfactory alternative course of action and the intended action would not be detrimental to maintaining the favourable conservation status of the species), or;
- iii. if the animal was lawfully held in captivity.

## Game

14.43 The need for a Game Licence to kill, take or pursue game and deer on unenclosed land in England and Wales was removed by the Regulatory Reform (Game) Order 2007 (SI 2007/2007) and in Scotland by the Wildlife and Natural Environment (Scotland) Act 2011. Game for these purposes is: hares, pheasants, partridges, grouse, heath or moor game and black game.

Dates when Game birds may be shot (taken/killed) are as follows from section 3 of the Game Act 1831 (all dates inclusive):

### England and Wales

14.44

Partridge	1 September – 1 February
Pheasant	1 October – 1 February
Black Game (heathfowl)	20 August – 10 December*
Grouse	12 August – 10 December
Capercaillie	1 October – 10 December†

\*except in Devon, Somerset and in the New Forest in Hampshire when the open season is between 1 September and 10 December.

† While Capercaillie are not currently found in England and Wales as of 2013, they can legally be shot between these dates.

14.45 Note: There are no defences for the killing of the above species of game birds in the close season. Licences cannot be issued under either the Game Acts or the Wildlife and Countryside Act 1981 (as amended) to kill or take game birds during the close season. However, in exceptional circumstances, where the birds are causing serious crop damage, a Notice may be served under section 98 of the Agriculture Act 1947.

14.46 In England and Wales it is also an offence to kill or take game on a Sunday or Christmas Day during the open season.

## Scotland

14.47 Dates when game birds may be shot, taken or killed are as follows, taken from section 2(4) of the Wildlife and Countryside Act 1981, as amended by the Wildlife and Natural Environment (Scotland) Act 2011. Note that section 2 of the 1981 Act applies, as per section 74, and that all dates are inclusive:

Pheasant	1 October – 1 February
Partridge	1 September – 1 February
Black grouse (heathfowl)	20th August to 10th December
Red grouse (muirfowl)	12th August to 10th December
Ptarmigan	12th August to 10th December

14.48 Note: Section 2(1) of the 1981 Act states that a person will not be guilty of an offence of killing, taking, or injuring a bird outside of close season if the person who kills, injures or takes the bird has a legal right or permission to do so. However section 2(3) states that on Sundays and Christmas day section 2(1) shall not apply. Therefore in the open season it is an offence to kill, take or injure a bird with a legal right or permission to do so on a Sunday or on Christmas day.

14.49 Capercaillie are now a protected species in Scotland due to the Wildlife and Countryside Act 1981 (Amendment) (Scotland) Regulations 2001.

## Ground Game

### England and Wales

14.50 In England and Wales ground game (hares and rabbits) have no close seasons, therefore people with shooting rights can shoot ground game all year. In addition, the Ground Game Act 1880 gives an occupier, or one other person authorised in writing by them, a concurrent right to shoot ground game on the land they occupy regardless of whether they hold the shooting rights on that land or not. However, on moorland and unenclosed land the right given to occupiers to shoot ground game is restricted to the period running from 11 December to 31 March inclusive.

An occupier can only authorise persons who are:

- i. members of their household, resident on the land in his occupation
- ii. persons in their ordinary service (i.e. an employee) on such land, and;
- iii. any other person employed by them for reward in the destruction of ground game.

14.51 Under the Conservation of Habitats and Species Regulations 2010 (schedule 4), Blue (mountain) hares cannot lawfully be shot with automatic or semi-automatic weapons with a magazine capable of holding more than two rounds of ammunition. Under the Game Act 1831, hares cannot be shot on a Sunday or Christmas Day.

## Scotland

14.52 In Scotland it is an offence to intentionally or recklessly kill, injure or take mountain and brown hare in their close season as per sections 10A and 10B of the Wildlife and Countryside Act 1981, as inserted by the Wildlife and Natural Environment (Scotland) Act 2011. It is possible to obtain a licence to control mountain or brown hare during their close season.

The close seasons are:

Mountain hare: 1 March – 31 July inclusive

Brown hare: 1 February – 30 September inclusive

The close season may be varied by Scottish Ministerial order.

14.53 Defences are available for shooting in the close season – mercy killing, rehabilitation, or to prevent serious damage to property (including growing timber and crops) – although restrictions apply.

14.54 Poaching hares and rabbits is further legislated for in Scotland – it is illegal to intentionally or recklessly kill, injure or take mountain and brown hare and rabbit unless you have the right to do so or the permission of someone with the right to do so.

14.55 There is a defence if the animal is disabled and will not recover, provided the injury to the animal was not caused by the illegal act of the person killing the disabled animal.

14.56 It is also illegal to kill or take mountain hare using semi-automatic or automatic weapons with a magazine capable of holding more than two rounds of ammunition without a licence since this animal is listed on Schedule 3 of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended in Scotland).

## Night Shooting of Ground Game

14.57 The relevant provisions are:

## England and Wales

14.58 The use of firearms at night for shooting ground game is prohibited under section 6 of the Ground Game Act 1880 – night-time is between the expiration of the first hour after sunset and the last hour before sunrise. Schedule 7 of the Wildlife & Countryside Act 1981 provides an exemption for occupiers of land, or one other person authorised by them, to use firearms at night for the purpose of killing ground game if the occupier has the written authority of a person entitled to kill or take the ground game on that land, that is the holder of the shooting rights.

## Scotland

14.59 Section 50 of the Agriculture (Scotland) Act 1948, which also prohibited shooting at night (Section 50 of the Agriculture (Scotland) Act 1948 defines night as “between the expiration of the first hour after sunset and the commencement of the last hour before sunrise), was amended by Schedule 7 of the Wildlife & Countryside Act 1981, as follows:

1. it is not unlawful for the owner of shooting rights on any land, or any person holding those rights from them, or the occupier (subject to 2 below) to use a firearm for the purpose of killing ground game thereon at night;
2. the occupier of any land shall not use a firearm to kill ground game at night unless (except where they have the exclusive right) they have first obtained written authority of the other person or one of the other persons entitled to kill and take ground game on the land;
3. an occupier who is entitled to use a firearm for the purpose of killing ground game may, subject to the provisions of section 1 of the Ground Game Act 1880, authorise one other person to use a firearm.

## Badgers

14.60 The Protection of Badgers Act 1992 (as amended) makes it a criminal offence to wilfully kill, take or injure badgers except in limited circumstances (for example, as a mercy killing, as an incidental result of a lawful action or under a licence issued by the appropriate wildlife licensing agency). If badgers are to be killed by a firearm, this must be done with a smooth-bore weapon of not less than 20 bore or a rifle using ammunition having a muzzle energy of at least 160 foot pounds and a bullet weighing not less than 38 grains. This is in accordance with section 2(1D) of the 1992 Act.

## Dogs

14.61 Section 9 of the Animals Act 1971 provides a defence for killing or injuring a dog if the defendant acted to protect livestock, and subsequently informs the police within forty-eight hours of the incident. The defendant can only act in defence of livestock in such a way if the livestock, or the land on which it is, belongs to them or to any other person under whose express or implied authority they are acting. Note that the Animal Act 1971 does not extend to Scotland – see section 13(4).

## Pests Act 1954

14.62 Under the Pests Act 1954, and the Rabbit Clearance Order number 148, the whole of England and Wales, apart from the City of London, the Isles of Scilly and Skokholm Island, has been declared a rabbit clearance area. Within this area, occupiers of land have a continuing obligation to kill or take any wild rabbits living on, or resorting to, their land, or to prevent the rabbits from causing damage elsewhere by, for example, fencing them in with rabbit-proof fencing. Failure to fulfil these obligations may lead to the occupier being prosecuted or the work carried out at their expense.

## Control of Seals

14.63 Legislation relating to seals is to be found in The Conservation of Seals Act 1970 together with Orders made by Defra. In Scotland, the 1970 Act has been repealed and the protection of seals is now secured under Part 6 of the Marine (Scotland) Act 2010.

## England and Wales

14.64 The 1970 Act prohibits the killing or taking of seals during the close season, which is:

Grey seals:	1 September – 31 December
Common/harbour seals:	1 June – 31 August

14.65 The Conservation of Seals (England) Order 1999 further prohibits the killing, injuring or taking of seals in the counties of England bordering the North Sea: from Northumberland to East Sussex, and adjacent waters throughout the rest of the year.

14.66 The 1970 Act provides a defence for the killing of seals to prevent damage to fishing nets etc. by the owner or a person acting on their behalf, provided the seal was in the vicinity of the net or tackle at the time. The Act does not stipulate whether the fisherman is involved in, or using, equipment for sea fishing only, or whether it also includes freshwater fishing. Section 10 (1) states that licences to kill or take seals in specific areas may be granted by the Secretary of State, with the consent of the appropriate nature conservation body. No firearm may be used except a rifle using ammunition with a muzzle energy exceeding 600 foot pounds and a bullet weighing not less than 45 grains so that any .22 rimfire rifles are excluded and .22 centrefire rifles are required, with the .22 Hornet using 45 grain bullets representing the lowest acceptable combination of bullet weight and energy.

## Scotland

14.67 In Scotland, under the Marine (Scotland) 2010 Act it is illegal to intentionally or recklessly kill, injure or take a seal at any time of year. The exceptions are:

- i. to kill a seal if it has no reasonable chance of recovery and this is the only satisfactory way to end its suffering and the action will not be detrimental to the seal's favourable conservation status, or
- ii. to take an injured seal for the purpose of rehabilitation (where this is the only satisfactory way to hold it and doing so will not be detrimental to the seal population's favourable conservation status), or
- iii. under a licence issued by Marine Scotland.

14.68 It is also an offence under the Marine (Scotland) Act 2010 to harass seals intentionally or recklessly at significant haul-out sites.

14.69 Only certain methods of taking or killing seals are permitted under the legislation. Seals may be shot but no semi-automatic or automatic weapons with a magazine capable of holding more than two rounds of ammunition can be used as the common and grey seal are listed on Schedule 3 of the Habitats Regulations 1994 (as amended in Scotland). Section 111(3) of the Marine (Scotland) 2010 Act states that the person has to comply with, and not do anything that would contravene regulation 41 of the Conservation (Natural Habitats, &c.) Regulations 1994.

14.70 No licence will be issued to a person to shoot a seal unless Scottish Ministers are satisfied that the person has adequate skills and experience in using firearms.

- 14.71 The Marine (Scotland) Act 2010 also allows Scottish Ministers to designate 'seal conservation areas'. Marine Scotland will not grant a seal licence authorising the killing or taking of seals in a seal conservation area unless they are satisfied that there is no satisfactory alternative way of achieving the purpose for which the licence is granted, and that the killing or taking authorised by the licence will not be detrimental to the maintenance of the population of any species of seal at a favourable conservation status in their natural range (within the meaning of Article 1(e) of the Habitats Directive).
- 14.72 The current seal conservation areas are: Shetland, Orkney, the Moray Firth, the East Coast of Scotland and the Outer Hebrides.

# Chapter 15: Permits

15.1. This chapter outlines the legal authority that allows chief officers of police to issue permits, and then goes on to explain the various forms used for different types of permits, and the terms that should be specified on issue. Visitor's firearm and shotgun permits are dealt with separately in chapter 27.

## Introduction

- 15.2. Chief officers of police are authorised by section 7 of the 1968 Act to issue permits in circumstances when it would not be appropriate to issue a firearm or shotgun certificate, or to register a person as a firearms dealer. A permit can only be issued in respect of firearms and ammunition to which sections 1 or 2 of the 1968 Act apply, which the applicant for the renewal of a certificate or, in the case of a surviving relative or receiver, the previous holder of the certificate, was authorised to possess under section 1 of the Act. For example, a permit should be issued to authorise the temporary possession of firearms or ammunition by a relative or the executor of a deceased person or the receiver or liquidator of a bankrupt.
- 15.3. A permit may not be issued to authorise the purchase or acquisition of firearms or ammunition (although section 5(1) of the 1988 Act allows the holder of a permit to purchase section 2 shotgun ammunition). Firearms that are subject to section 5 of the 1968 Act, (for example firearms held under sections 2 to 8 of the 1997 Act), cannot be held on a permit. Chief Officers should complete basic background checks (PNC, local Intel and consider PND) to ensure the suitability of the applicant if it does not involve an existing certificate holder.
- 15.4. Permits should be issued by chief officers where a certificate has not been re-issued or where a variation has been delayed and the applicant has made the application in good time. This may be appropriate where the renewal of a certificate is so delayed that the applicant may otherwise be left without permission to continue possessing and using their firearm and ammunition. This may not be the case where the applicant or his referees had been uncooperative and, is, or are, substantially responsible for the delay. In these circumstances, the applicant should be advised to arrange for the firearms and ammunition to be placed in storage with a registered firearms dealer or another suitably authorised certificate holder.
- 15.5. Permits may also be issued by chief officers to allow an individual to have a firearm in his/her possession for reasons such as the disposal of a firearm that has been removed from an individual's firearm certificate or reasons such as when an individual is found to no longer have a "good reason" to possess the weapon or they are in the process of selling/transferring the firearm to another authorised person or firearms dealer. In these circumstances chief officers may wish to consider issuing a short term temporary permit (valid for two months) to enable the individual to dispose of the firearm.

## Types of permit

15.6. The various forms for issuing permits are:

- i) Form 111, this authorises, under section 7(1) of the 1968 Act, the possession (unless the terms indicate otherwise) of firearms and ammunition to which section 1 of the 1968 Act applies. The permit must give details of the firearms and ammunition it covers, and must show the date on which it expires.
- ii) Form 112 is similar to form 111 but related to shotguns. It should specify the shotguns to which it relates (see paragraph 15.2 about the purchase of section 2 ammunition). This permit does not allow the possession of Section 5(1A)(a) disguised shotguns held on a shotgun certificate as part of a collection.
- iii) Form 213. Issued under section 9(2) of the 1968 Act, permits an auctioneer to sell by auction, expose for sale by auction, or have their possession for sale by auction, the firearms, ammunition, shotguns and/or air weapons specified in the permit until the date of expiry shown on the permit.
- iv) Form 115 may be issued, under section 13(1)(c) of the 1968 Act, to authorise the removal of a firearm (but not ammunition) from a ship or hovercraft for any purpose specified in the permit (for example, for repair or servicing, sale, breaking up, return to store, or removal to another ship or hovercraft). It may also authorise the removal of a firearm to a ship or hovercraft (for example after repair or from store). The place to or from which the firearm is to be removed should be specified in the permit. Without such a permit, it is an offence to bring a firearm ashore even for repair. There is no legal definition for what constitutes a “ship”, and in the absence of a Court ruling, it is generally taken to mean a vessel designed as ocean-going rather than one designed to travel on inland waterways.

15.7. The permit should only be issued to the owner or charterer of the ship or hovercraft, the owner or charterer’s agent, a responsible officer of the ship or hovercraft or a person nominated by one of the aforesaid persons. While the provisions of section 13(1)(c) of the 1968 Act are not limited to firearms forming part of the ship’s or hovercraft’s equipment, a permit should in general only be issued in respect of firearms which are genuinely part of the ship or hovercraft’s equipment, and it should be issued only if the police are satisfied as to the purpose for which the firearm is being removed and the proposed destination of the firearm. In some circumstances, for example where a ship is docked for extensive repair, the ship has been impounded or for some other reason the captain and crew cannot stay aboard, and where there are concerns about security, it might be appropriate to accede to a request to take such a firearm on shore for temporary secure-keeping. Form 115 may also be issued, under section 13(1)(c) of the 1968 Act, to authorise the removal of signalling apparatus from or to an aircraft or aerodrome for any purpose specified in the permit.

## Terms of permit

15.8. It will normally be appropriate to issue permits under sections 7(1) and 9(2) of the 1968 Act subject to suitable terms. The terms of permits should be as follows, taking account of the individual circumstances in each case:

In the case of permits relating to firearms and (section 1) ammunition, the person to whom the permit has been issued should:

- i. inform the chief officer of police at once of the name and address of any person, other than a registered firearms dealer, purchasing or acquiring any of the above-mentioned firearms and ammunition.

In all cases the person to whom the permit has been issued should:

- i. immediately inform the chief officer of police by whom the permit was granted, of the theft, loss, destruction or deactivation of any firearm, ammunition or shotgun to which the permit relates;
- ii. at all times take reasonable precautions to ensure the safe custody of the firearms, ammunition or shotguns to which the permit relates;
- iii. return the permit to the chief officer of police on or before expiry date; and
- iv. on written request, return the permit to the chief officer of police without delay.

# Chapter 16: Registration of firearms dealers

16.1. This chapter covers the following:

- i. the requirement for the police to keep a register of firearms dealers;
- ii. the means by which applications to go on the register are considered;
- iii. the form and conditions of registration;
- iv. the certificates of registration themselves;
- v. information on police inspection of those registered;
- vi. removal from the register; and
- vii. the requirement placed on dealers to notify transfers.

## Definition of registered firearms dealer

- 16.2. A dealer is defined at Section 57(4) of the Firearms Act 1968 as a person or a corporate body who, by way of trade or business: manufactures, sells, transfers, repairs, tests or proves firearms or ammunition to which section 1 of this Act applies, or shotguns; or sells or transfers air weapons. Firearms dealers are not authorised to trade in prohibited weapons without the Secretary of State's or Scottish Minister's authority (See paragraphs 16.63 to 16.67).
- 16.3. If the person trading is a body corporate, that body and not a servant or officer of the company must be registered as a dealer. Failure to do so may result in offences being committed by those who trade with the body corporate. Where the registration is made in the name of an officer or servant of the company, the person registered should be the body corporate. The form of application for registration as a dealer is in two parts, the first relating to an application by an individual and the second relating to an application by a body corporate. It is important that the status of the applicant be clearly and correctly established and that the correct 'person' is properly registered.

## Statutory requirement to keep a Register of Firearms Dealers

- 16.4. Under section 33(1) of the 1968 Act, chief officers of police are required to keep in the prescribed form a register of firearms dealers in their area. The prescribed form of register is set out in Part III of Schedule 5 of the Firearms Rules 1998.

## Applications to go on the Register of Firearms Dealers

- 16.5. Section 33(2) requires the chief officer of police to enter in the register the name of any persons (including bodies corporate) who having or proposing to have a place of business in the area, applies to be registered as a firearms dealer unless:

- (a) they are prohibited by a court under section 45 of the Act from being registered;
  - (b) the chief officer of police is satisfied that they cannot be permitted to carry on business as dealers in firearms without danger to the public safety or to the peace; or
  - (c) the chief officer of police is not satisfied that the applicant will engage in business as dealers in firearms to a substantial extent or as an essential part of other trades, businesses or profession.
- 16.6. As regards (b), the decision of the chief officer of police will focus mainly on information as to the character, antecedents and background of the applicants or the officers of the company which applies to be registered, their experience and knowledge of firearms and the security of their premises. Both the personal and professional conduct of the relevant individuals will be factors in any decisions reached. The Home Office and police should take into account that they do not have to be satisfied to the criminal standard when taking decisions on the suitability of an individual or company to be a RFD or possess prohibited weapons and ammunition. Decisions should be made to the civil law standard on the “balance of probability” and not solely reliant on criminal convictions. See also chapter 12 on assessing suitability.
- 16.7. Account must be taken of the applicant’s experience with and knowledge of firearms. Bearing in mind the diversity of the business, they should be able to demonstrate a basic knowledge of any firearms legislation relating to their particular sphere of business. If for example, they are running a retail outlet, then it is reasonable to expect them to know of the scope of the Gun Barrel Proof Acts, which relate to the sale of firearms, and of the ages at which they may sell or let on hire firearms or ammunition. Others may have different requirements, and therefore the assessment may best be conducted as a series of questions in a structured, planned interview – bearing in mind the applicant’s speciality.
- 16.8. As regards paragraph 16.5 (c), a chief officer will be required to reach a conclusion about business likely to be conducted by any new applicant. Factors which may need to be taken into account include the size and location of premises for conducting the business proposed and the extent of any other business activities being carried on. The applicant should be able to show that they will be providing a service to the public or to the gun trade or other trades which may involve firearms or ammunition. A business plan may assist the applicant and licensing staff to assess the proposed likely level of service. Each case must be decided on its merits. A business plan is likely to be of limited assistance where established businesses in the country sports or related sector are wishing to add firearms to their product line. Applicants, for example, not intending to deal in firearms or ammunition for their principal livelihood might indicate that they only intend trading as a part-time extension of their interest in firearms and would therefore be less likely to ‘engage in business as a firearms dealer to a substantial extent’. It should be noted that ‘substantial’ does not necessarily mean volume but also includes a serious and genuine intention.
- 16.9. In determining 16.5(c) in respect of applications from existing dealers, it should be sufficient to reach a conclusion on the basis of transactions during the previous period of registration with particular regard to any trade in the recent past and any business plan for the future. Inspecting officers should note that a dealer specialising in older, heritage firearms, which may now be difficult to acquire in good condition, may sustain a smaller number of transactions. This does not lessen their legitimate business activity. Similarly, a dealer specialising in high value items may likewise experience relatively low transaction rate. The substantial extent test must be applied on a relative rather than an absolute basis in the context of the business under consideration.

- 16.10. The size and staffing of the business will need to be taken into account. It is not intended that registration should be withheld because the turnover is comparatively small on account of a specialist service or a service directed at an exclusive section of the market or trading in arms, such as collectibles, which may inherently be scarce and may take some months to source or acquire. However, the dealer provisions should not be used to facilitate private collections of firearms and shotguns. Nor should they be used by a dealer to provide a service to friends and associates only, rather than to the general public or the gun trade or other trades which may involve firearms.
- 16.11. The requirement in paragraph 16.5(c) also provides for those persons who need to purchase, possess or transfer firearms and ammunition as part of another trade, business or profession to be registered as dealers regardless of the extent of their transactions in firearms. Such applicants might include manufacturers of associated equipment or businesses engaged in research and development, journalism or research into firearms. In the latter cases, some documentary evidence will be required.
- 16.12. An applicant for registration must give the prescribed particulars. A form is set out in Part 1 of Schedule 5 of the Firearms Rules 1998 for this purpose. Where an application is refused, the chief officer of police should write to the applicant with details of the grounds for refusal.
- 16.13. A record should be kept of all refusals to register persons who apply for registrations as firearms dealers. If there is an appeal against a refusal, the fact and the result should be noted and if an appeal is successful, the record of the refusal should contain a reference to the record of the consequential registration. Chief officers have no grounds to refuse applications from dealers who have been granted the Secretary of State's authority to deal in weapons prohibited by section 5 of the Act without danger to the public safety or the peace. Chief officers may however refuse to register on one of the other grounds for refusal under section 34 (see Chapter 3).
- 16.14. Section 33(3) of the 1968 Act provides that each place of business at which the applicant proposes to carry on business as a dealer must be entered in the register of dealers. The only exception under section 34(4) of the Act is where the chief officer of police is satisfied that it is a place of business at which the dealer cannot be permitted to carry on a firearms dealer's business without danger to the public safety or the peace.
- 16.15. A registered firearms dealer wishing to open an additional place of business within the same police area must furnish the prescribed particulars as set out in the notification form at Part II of Schedule 5 to the Firearms Rules 1998. In cases in which the question of refusing or revoking the registration of a person as a dealer does not arise, the power to refuse to enter particular premises in, or remove them from, the register should be exercised only on grounds such as that it is a place in which the person cannot carry on business as a firearms dealer without danger to the public safety or to the peace.
- 16.16. Where dealers have places of business in more than one area, they must be registered by the chief officers of each. Chief officers of police must consult each other in cases of this kind; the conditions of registration should be appropriate to each premises but need not be the same in each police area.

## Game fairs and other temporary events

16.17. Firearms dealers wishing to carry on business, including exhibiting for the purposes of their business, at game fairs, arms fairs etc. in another force area must be registered by the chief officer of police for that area and are required to pay the appropriate fee to register a temporary place of business. Contact between the police areas involved should help to expedite decisions on such applications. NFLMS is now configured in England and Wales to allow the issue of a standard three-year RFD certificate for the purpose of participating in annual game or trade fairs. Conditions specifically relating to the event will be placed upon the certificate. The decision to allow the RFD certificate to stay in force for the full three years or for only the duration of a single event is at the discretion of chief officers. Authority granted for ad hoc attendance or one-off events should include set-up and take down time and be site specific. Please note that NFLMS does not apply in Scotland.

## Form of Register of transactions

16.18. Although section 40 of the 1968 Act and Rule 10(4) of the Firearms Rules 1998 (as amended by the Firearms (Amendment) Rules 2007) lay down the information required to be entered into the Register of transactions, the form of the Register is not prescribed. It may be kept by means of a computer (section 40(4) of the 1968 Act).

16.19. Section 3(1)(c) of the 1968 Act (as amended by section 31 of the Violent Crime Reduction Act 2006) makes it an offence for anyone to sell or transfer an air weapon, including component parts and accessories (see chapter 13) by way of trade or business unless they are registered with the police as a firearms dealer under section 33 of the 1968 Act. In accordance with section 58(2) of the 1968 Act, it will not be necessary to register as a dealer where sales or transfers involve only antique air weapons which are kept as curiosities or ornaments (see chapter 8). Dealers are not required to keep records of air weapon ammunition sales.

16.20. For those dealers who keep paper records there are a number of commercially produced registers on the market which take the form of a bound volume with numbered pages for individual transactions laid out across the double pages. Acquisitions on the left hand page and the corresponding disposal entries opposite. Firearms dealers are encouraged to purchase such registers but in any event the actual register used should conform to that design. Exercise books and card index systems will not be accepted.

16.21. For records kept by means of a computer, the legislation (section 40(4A) of the 1968 Act (as amended)) requires that the information required by law can be readily produced in a form which is visible and legible and can be taken away. Daily backups of data should be taken and then stored in such a way as to preserve its integrity in a disaster situation. Alternatively the system should produce a daily hard copy of transactions, dated and page numbered so that there is an effective paper trail. In order to reduce the risk of fraud, dealers should be encouraged to establish procedures involving and identifying separation of duties and accountability and to show by whom and when the daily register record was created, updated or amended.

- 16.22. Current legislation requires that the register be retained for up to five years from the date of the last transaction. The European Weapons Directive 2008/51 requires records relating to firearms to be kept for 20 years. Although this does not currently apply to firearms dealers it is anticipated that a change to legislation will be brought in during 2015<sup>1</sup>.
- 16.23. Firearms dealers should also be encouraged to keep separate records for firearms, ammunition, repairs and prohibited weapons. In the last case this will be a condition of the grant of the Secretary of State's authority.

## Conditions of Registration

- 16.24. Section 36(1) of the 1968 Act authorises a chief officer of police to impose, vary or revoke conditions subject to which registration is to have effect. In most cases it should only be necessary to impose the standard condition (i) shown in Appendix 6 to this guide. The Appendix also lists a number of other conditions which are discretionary (see Part 3 of the Firearms Security Handbook 2005). Before reaching a final decision on which, if any, additional conditions should be imposed on a registration, it is desirable to discuss the matter with the dealer and to ensure that the proposed conditions, whilst being practical and effective, will not place an undue burden on him or her.
- 16.25. Section 36(2) of the 1968 Act requires any such conditions to be specified in the certificate of registration and, where a condition is imposed, varied or revoked during the currency of a certificate, requires the chief officer of police to give the dealer notice in writing, giving particulars. It also empowers the chief officer, by notice, to recall the certificate of registration within 21 days for the purpose of amending it. This period of notice will allow time for any representations to be made to chief officers.
- 16.26. The conditions are intended to ensure that a registered firearms dealer takes reasonable precautions for the safekeeping of their firearms and ammunition. Crime prevention officers, in consultation with their firearms departments, should consider carefully the level of security required in the light of the circumstances of each case. Circumstances may vary between one district and another and between one dealer or premises and another. Much will depend on the degree of risk and the steps that it is practicable to take. Such a condition must not be used to arbitrarily restrict the nature of the business concerned.
- 16.27. In addition to inspecting premises before registration, dealers' premises should be visited from time to time (see 16.35 and 16.40) to inspect stock in hand and/or the register. Dealers are required by section 40(4) of the 1968 Act (as amended) to permit such inspections by police officers, or civilian officers (as inserted by the 1997 Act), authorised in writing by the chief officer of police. Such written authorisation must be produced on demand.
- 16.28. Where a person deals only in one type of weapon or in a restricted range of weapons at the time of the application, it may be appropriate to include a condition to the effect that any change in the nature of the business should be notified without delay to the chief officer of police so that further safekeeping restrictions may, if necessary, be imposed (for example, conditions (vi) and (vii) in Appendix 6). Such a condition must not be used to arbitrarily restrict the nature of the business concerned.

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<sup>1</sup> Please check <https://www.gov.uk/firearms-licensing-police-guidance> for updates or email [Firearms@homeoffice.gsi.gov.uk](mailto:Firearms@homeoffice.gsi.gov.uk)

- 16.29. Security requirements for dealers trading only in air weapons should be normally equivalent to level 1 from the Firearms Security Handbook 2005.
- 16.30. Section 36(3) allows a person aggrieved by the imposition or variation of, or refusal to vary or revoke, any condition of a firearms dealer's registration to appeal.

## Certificates of registration

- 16.31. Section 33(4) of the 1968 Act provides that, when registered, a dealer shall be granted a certificate of registration. The Act does not provide for a prescribed form of certificate. A suitable template is available for use on the National Firearms Licensing Management System, which forces in England and Wales will be required to use.
- 16.32. Form 117 constitutes the certificate of registration for the dealer and lists all the premises from which the dealer operates within that police area and any conditions imposed on the principal place of business.
- 16.33. Form 118 is for any conditions imposed on other premises and a separate copy is completed for each premises. Forces will wish to record the issue of the certificate(s) upon the entry for each dealer in the main register. The form of certificate of registration provides for two identification numbers; the number of the entry in the register of dealers and the serial number of the certificate. The number of the entry in the register of dealers has been found useful for reference by both police and dealers and it is desirable that this number should be quoted in the certificate of registration in addition to the serial number of the certificate.

## Application for a new certificate of registration

- 16.34. A dealer's registration continues in force for a period of three years from the grant of the certificate of registration. Section 33(5) of the 1968 Act (as amended) provides for a dealer to surrender the certificate to the chief officer of police on or before the expiration of this period and to apply for a new certificate using the prescribed form 116 (within Part 1 of Schedule 5 of the Firearms Rules 1998). Every effort should be made to ensure that the dealer receives the new certificate before the expiry date of the current one. Section 38(6) of the 1968 Act contains provisions as to the steps to be taken on the failure of a registered dealer to comply with the requirements of section 33(5).

## Inspection of Dealers Registers

- 16.35. Dealerships range from large wholesalers and importers to small part-time dealers operating out of their own home. The size and type of business will often dictate the frequency of visits. Visits should also take the form of "formal inspection" and "ad hoc liaison" visits, depending on force resources.
- 16.36. In general, formal inspection visits should be based on a three year cycle. Each firearms dealer in the force area should be visited, on average, at least once per year. On each of the formal visits, the inspection should be undertaken by two dedicated officers (FEOs) depending on individual force circumstances and the size of the dealership; for smaller, specialist dealers, one officer would suffice.

- 16.37. There should be no fixed programme or timetable of inspections. The decision as to which dealer is to be inspected, and when, should be the decision of the Firearms Licensing Manager, or equivalent.
- 16.38. Special attention should be given to the inspection of dealerships which involve prohibited firearms and the manufacture of firearms. These should be visited more regularly and given a high priority.
- 16.39. Given the risks posed to public safety should prohibited firearms/ammunition or component parts for such firearms get into criminal hands it is essential that dealerships dealing in such items maintain the highest standards of security and record keeping. Forces should regularly visit dealerships dealing in or manufacturing prohibited firearms or component parts to ensure that security and records are being maintained to the required standard.
- 16.40. Causes for concern which should require additional intrusive enquiries would include:
- i. inability to produce records for stock (firearms and ammunition);
  - ii. a lack of systems for the management of firearms or ammunition stored at the registered premises;
  - iii. firearms and or ammunition being stored in such a way so as to make it difficult to account for them in the dealerships records (Firearms and ammunition should not be left lying around loose);
  - iv. a lack of systems in place to control unauthorised access to firearms or ammunition;
  - v. a lack of audit procedures for the accounting of component parts.

## Levels of Inspection

- 16.41. Ideally a full stock check should be undertaken annually; however, exceptionally there will be some dealerships where this is impractical. In the case of the three year cycle mentioned above, visits during two of the three years could well be just record inspections with the third requiring a combined stock-check and records inspection, if practicable. In the case of large dealerships, extensive dip-samples can be made.
- 16.42. A random sample of entries should be selected from the register for verification purposes. The number selected should be relative to the level of business being conducted. The total number of transactions conducted by the dealer since the date of the previous inspection should also be recorded in order that chief officers of police can satisfy themselves that this is consistent with the stated intentions of the dealer.
- 16.43. Details of transactions in each of the following categories should be selected:
- a) Sale or transfer of a firearm to a certificate holder within the police force area;
  - b) Sale or transfer of a firearm to a registered firearms dealer within the police force area;
  - c) Sale or transfer of a firearm to a certificate holder outside the police force area;
  - d) Sale or transfer of a firearm to a registered firearms dealer outside the police force area.

- 16.44 Dates of visits, types of inspection and the outcome of any enquiries should be recorded on police files.
- 16.45 In the event of revocation of condition, removal from the register or surrender of a dealer's certificate of registration, notification should be sent to all other forces.

## **Border Policing Command of the NCA**

- 16.46 Under a Joint Agreement with the police, Border Policing Command of the National Crime Agency (NCA) have a role with the inland control of firearms dealers. This requires those concerned in whatever way with the import and export of firearms and other goods to produce for inspection, records and transaction documentation in order to counter and deter illicit imports and diverted exports.
- 16.47 Border Policing Command of the NCA conduct their own programme of inspections, which are carried out on a risk assessed basis. Forces and Border Policing Command are encouraged, in order to minimise interference with legal trade, to make joint visits where possible.
- 16.48 The benefits of close co-operation between firearms licensing departments and FXOs is that a clear and coherent approach to local firearm control and enforcement responsibilities can be formulated which will lead to avoidance of any apparent duplication of control effort and, through sharing of intelligence, early identification of suspect activity.

## **Removal from register of dealer's name or place of business**

- 16.49 Sections 38 and 45 of the 1968 Act deal with the removal of a dealer's name or a place of business from the police register. A dealer's name or any place of business may be removed if they fail to comply with the conditions of registration. A place of business may also be removed from the register if the chief officer is satisfied that carrying on the business there would constitute a danger to the public safety or to the peace (section 38(4) of the 1968 Act).
- 16.50 A dealer's name shall be removed from the register:
- (a) by the chief officer of police in the circumstances set out in section 38(1) of the 1968 Act, that is the chief officer is satisfied that the person;
    - (i) is no longer carrying on business as a firearms dealer; or
    - (ii) has ceased to have a place of business in the area; or
    - (iii) cannot be permitted to continue to carry on business as a firearms dealer without danger to the public safety or to the peace, or
  - (b) at the express wish of the applicant (section 38(5) of the Act); or
  - (c) on a failure of the dealer to comply with the provisions of section 33(5) of the Act as to the renewal of registration and a subsequent failure to comply with that requirement after receipt of a notice in writing requiring him to do so (section 38(6) of the Act); or
  - (d) by the order of a court (section 45(1)(a) of the Act).

- 16.51 As regards paragraph 16.50(a) it is undesirable to retain on the register a person who is no longer carrying on business as a firearms dealer in the police area. Having given reasonable notice, a chief officer of police shall remove a name from the register on this ground or because of danger to the public safety or to the peace. Where a name is removed from the register, the chief officer should write to the applicant setting out the grounds for this action. The chief officer may also remove a dealer from the register if the dealer is the subject of a court order under section 45(1) of the 1968 Act. However, the chief officer may not act in the matter during the period allowed for an appeal if the court has suspended the operation of the order pending the appeal (section 45(3) of the Act).
- 16.52 It follows that the chief officer of police will need to write twice to any firearms dealer who is to be removed from the register. The first letter will give reasonable notice (usually 21 days) of the chief officer's intention and allow time for the firearms dealer to make any representations; if the dealer is unsuccessful in this regard the chief officer's second letter will confirm that removal action has been effected.
- 16.53 A valid notice of appeal cannot be lodged with the Crown Court or Sheriff Court in Scotland until after the second letter has been issued, as it is the decision to remove from the register that triggers the right of appeal, as opposed to the chief officer's letter indicating that he is proposing to make such a decision. The removal of their name from the register will preclude the appellant from carrying on business as a firearms dealer unless their appeal is allowed.
- 16.54 It should be noted that the certificate of registration merely provides evidence that a dealer's name has been entered in the register. It does not, of itself, confer registration. Under section 45(1), a court may order that the name of the dealer be removed from the register; however under 45(3) a court may suspend the operation of its order pending appeal. If this is the case, a dealer's name will remain on the register and therefore the dealer may lawfully trade. If a dealer is removed from the register under section 38, they may not continue to trade pending appeal. If appeal under section 38 is successful, the dealer will not have to surrender their certificate of registration, or their register of transactions, under section 38(8).

## Notification of Transfers

- 16.55 In transferring firearms and shotguns to certificate holders, firearms dealers are obliged by section 32(2)(b) of the 1997 Act to comply with any instructions contained in the certificate produced. Those instructions require that notification, and details of the transaction be notified to the chief officer of police of the force which issued the certificate within 7 days.
- 16.56 The Firearms (Electronic Communications) Order 2011 changed the notification requirements by inserting section 42B into the Firearms Act 1968. Accordingly, notification must be sent by 'permitted means'. This includes notification via recorded or special delivery or by 'permitted electronic means'. Where notification is sent electronically it must be to an existing electronic address. Firearms licensing departments wishing to receive notification electronically must therefore ensure that they have a working and secure email address. The exception to the notification requirements is in the case where information is sent to dealers and certificate holders, etc, by the police, the Secretary of State or Scottish Ministers. In those instances, notification by recorded and special delivery is permitted but notification by electronic communication can only be used where:
- the recipient has given a written statement to the body concerned that he accepts

electronic notification. This may be limited to particular type of notice specifying the form(s) of communication and an electronic address for each form; and

- the notice must be sent to the address specified for that form of electronic communication.

- 16.57 When accepting a gun from a “person unknown” or when accepting an unlicensed gun, a dealer should notify the local police firearms licensing department. When firearms are handed in for destruction, the dealer should make the appropriate entry in his register and, if the person handing in the weapon is a certificate holder, he should be advised to notify the transaction in the ordinary way. When the dealer intends to destroy any such firearm he should advise the police so that they may be present if they so wish. Police should oversee the destruction if at all possible. Where this is not possible, the dealer should provide the police with some form of proof that the destruction took place.
- 16.58 There is no legislative requirement to notify chief officers of police when transferring firearms to persons who are exempt for certification purposes, but again dealers are encouraged to do so with an explanation as to the exemption. Postal sales are no longer permitted other than to those who are exempt for certification purposes (including registered firearms dealers). The recipient dealer should show the weapon coming into the register and going out.

## Servants

- 16.59 Section 8 of the 1968 Act mentions servants but there is no definition contained within the Firearms Acts as to what constitutes “a servant”. The term has been interpreted differently by the courts in connection with a number of different pieces of legislation.
- 16.60 Until such times as the situation can be resolved by a change to the primary legislation, the common dictionary meaning of “a person employed to work for another” should be used. In using this definition it is accepted that in some instances a “servant” will not receive actual “payment” for their employment. Firearms dealers should notify police firearms departments, in writing, of those persons qualifying to act as their servant. Appropriate checks should then be carried out to ensure that a person nominated is a fit person under the Act. If the police have any reservations about the employment of any staff, diligence must be exercised in respect of the Data Protection Act 1998 and disclosure of information. However, in cases where the police believe that the employment of a particular person poses a serious threat to public safety it might be appropriate to share, in general terms, the concerns with the dealer. It may also be appropriate to advise dealers to ask their staff to supply them with a Subject Access Disclosure letter.
- 16.61 When transporting firearms and ammunition the servant should at all times carry a copy of their letter of authority together with a copy of the dealer’s certificate of registration. The notice does not of itself have legal status, and whether a person is acting as a dealer’s servant at the material time is a matter of fact and degree.
- 16.62 Where a servant is under the age of 18, the provisions of section 22 of the Firearms Act 1968 on acquisition and possession of firearms by minors will apply. Even if a person under 18 is entitled under the Act to have a firearm in his possession, it is an offence under section 22(1A) to use it for a purpose not authorised by the EU Weapons Directive. In terms of granting a certificate, s 27(1A) similarly constrains good reason for a person under 18.

## Section 5 authorities

- 16.63. This authority allows dealers to possess, purchase or acquire, manufacture, sell or transfer prohibited weapons and prohibited ammunition as defined by section 5 of the 1968 Act.
- 16.64. The authority is issued subject to any condition the Secretary of State or the Scottish Ministers may think fit for the purpose of securing that the prohibited weapons or ammunition will not endanger the public safety or the peace. The authority shall be in writing with any conditions specified on it. This will include the numbers and types of prohibited weapons and ammunition so authorised and all other conditions and relevant matters. Where such an authority has been granted, the chief officer of police cannot refuse registration on the grounds of danger to the public safety or to the peace.
- 16.65 Those persons granted such authority will fall into three main groups:
- a) Those who possess, purchase, acquire, manufacture, sell or transfer – this group will be the subject of inspection and verification as registered firearms dealers. Frequency and levels of inspections should be set to the same levels as outlined earlier in this chapter and should include all categories of prohibited weapons and ammunition authorised; or
  - b) Those who only possess – this group will possess in connection with other activities, that is ammunition evaluation, armoured vehicle manufacture, ballistic tests, etc. This group should be subject to the provisions of paragraphs 16.35 to 16.40 above; or
  - c) Those who only transport – this group is only responsible for the movement between authorised person and firms, and does not require any other certification. The movement and transport of prohibited weapons and ammunition by those persons/ companies authorised by the Secretary of State is subject to the conditions of that authority. The Home Office holds a current list of those so authorised and this can be provided upon request.
- 16.66 In relation to some sales and transfers this may require checks and information from outside this country and the assistance of other government departments may be required, for example the import or export of items. Close liaison with the FXOs of the Border Policing Command of the NCA should be fostered and maintained. Where there are specific grounds for suspicion, the FXO will, on request, supply details of the consignors, and the quantity and type of firearms previously imported. Additionally, where the general credibility of entries in the Firearms Register are being tested, the FXO will, on request, provide details of a selection of future importations.
- 16.67 In checking registers/holdings, care should be taken in respect of those firearms which are subject to different controls depending on the circumstances in which they are held. Small firearms, for example, when held by a dealer are subject to section 5(1)(aba), but when they are possessed by a person holding a suitably conditioned firearm certificate become amenable to section 1 control. Great care and validation must be exercised in these cases. The information and matters in relation to sales and movement of prohibited items needs to be kept confidential given the potential of the items. The results of all visits and inspections will allow for a considered response to the Home Office or the Scottish Government Justice Department if the authority is to be renewed or amended by the Secretary of State, or the Scottish Ministers.

## Section 5 carriers

16.68. Whilst a section 5 authority for a dealer will normally allow that dealer to transfer the firearms they are permitted to trade in, should that dealer want to trade in the transfer of firearms, they will need to apply to the Home Office for their authority to be varied accordingly.

## Stolen weapons/certificates

16.69. In cases of lost or stolen firearms, forces should circulate details to all other forces for them to inform their own dealers. Firearms licensing departments should ensure that police officers are aware of and compliant with the stolen weapons/certificates facility on the PNC and NFLMS.

# Chapter 17: Museum Firearms Licenses

17.1 This Chapter details what a museum firearms licence allows for and the conditions for its issue. It then covers applications, additional conditions, issue, variation and revocation of licences.

## What a museum licence allows

- 17.2 Section 19 of, and the Schedule to, the 1988 Act provide for the issue to a museum of a museum firearms licence. The grant of a licence permits the persons responsible for the management of the museum and museum employees to possess, purchase or acquire, for the purposes of the museum:
- a) firearms and ammunition which are, or are to be, normally exhibited or kept on its premises, without holding a firearm certificate or shotgun certificate; and
  - b) where the licence so provides, prohibited weapons and prohibited ammunition which are, or are to be, normally exhibited or kept as aforesaid, without the authority of the Secretary of State or Scottish Ministers under section 5 of the Firearms Act 1968 (as amended).

## Requirements for a museum licence to be issued

- 17.3 A museum licence may be granted only to those major national museums listed in the Schedule or to any other museum or similar institution which either:
- a) has as its purpose, or one of its purposes, the preservation for the public benefit of a collection of historic, artistic or scientific interest which includes or is to include firearms; and
  - b) which is maintained wholly or mainly out of money provided by Parliament or a local authority; or
  - (c) is accredited by the Museums, Libraries and Archives Council (MLA) or its successor bodies, Arts Council England, Arts Council of Wales or the Scottish Arts Council.

Advice regarding museums and firearms may be obtained from the Museums Weapons Group (see Appendix 1).

17.4 A museum licence cannot be granted to a non-accredited, privately funded museum. Nor can it be granted for the purposes of a private collection, whether such a collection is for the public benefit or otherwise. In such cases, the grant of a firearm or shotgun certificate should be considered.

17.5 There is no bar to the disposal or transfer of Section 1 or 2 firearms by the holder of a museum firearms licence, but a museum licence does not provide for the disposal

or transfer, temporary or otherwise, of prohibited weapons or ammunition. A separate application must be made to the Secretary of State or the Scottish Ministers for authority under section 5 of the 1968 Act.

- 17.6 In most cases the publicly funded nature of a museum will be self-evident, but where doubt arises the Home Office or the Scottish Government can make enquiries of the museum authorities. Enquiries about accreditation may be made to:

Arts Council England  
Head Office  
14 Great Peter Street  
London  
SW1P 3NQ

The Arts Council of Wales  
Bute Place  
Cardiff  
CF10 5AL

The Scottish Arts Council  
12 Manor Place  
Edinburgh  
EH3 7DD

## Applications for a museum licence

- 17.7 In England and Wales, the Home Secretary is the issuing authority for museum licences. An application by a museum must initially be made in writing to the Home Office:

Public Risk Unit  
Firearms Section  
5th Floor, Fry Building  
2 Marsham Street  
London  
SW1P 4DF

In Scotland, the Scottish Ministers are the issuing authority for such licences. Applications for museums in Scotland must be made to the Scottish Government:

General Enquiries  
St Andrew's House  
Regent Road  
Edinburgh  
EH1 3DG

- 17.8 Paragraph 1(3) of the Schedule to the 1988 Act requires the Secretary of State or the Scottish Ministers not to grant a museum licence unless they are satisfied, after consultation with the local chief officer of police, that the arrangements for keeping and exhibiting the firearms are, or will be, such as not to endanger public safety or the peace. Where a bona fide application has been received by the Home Office or the Scottish Government, a request will be made to the chief officer to verify that proper arrangements are in hand to ensure the safe custody of the firearms and/or ammunition.

17.9 In general, the chief officer of police will be requested to undertake an inspection of museum premises to establish that adequate security measures have been taken and to provide a report to the Home Office or the Scottish Government. It should be noted that these inspections and reports should only cover arrangements for safe custody, and should not deal with the condition or physical state of exhibits. The latter are entirely a matter for the museum authorities. Many of the larger museums will of course have their own, experienced, security staff. In such cases, full consultation should take place with the appropriate museum staff in order to gain the benefit of their expertise. Further advice can be found in part 6 of the Firearm Security Handbook 2005.

## Conditions that may be added to museum licences

17.10 The Secretary of State or the Scottish Ministers may attach conditions to the museum licence relating to the safe custody of the firearms and ammunition in question. Such conditions will relate only to arrangements for safekeeping and not to the physical condition of the exhibits (see 17.9 above). The police report should therefore include any recommendations which the chief officer of police wishes to make concerning the appropriate conditions necessary to ensure the safe custody of the firearms and ammunition.

17.11 A licence may be granted for all the museum's buildings or for particular premises of the museum. If the museum has a number of separate premises and firearms are kept or displayed in only one of them, the licence will normally only be issued for the building in which the firearms are kept and/or displayed. The report should therefore make clear which premises the museum wishes to use for this purpose and the security inspection need relate only to those premises at which the licence will apply.

## Issue and renewal of museum licences

17.12 Following consideration by the Home Office or the Scottish Government, the museum will be informed of whether the licence has been granted in principle by the Secretary of State or the Scottish Ministers. They will also be informed of the appropriate fee payable for the grant of the licence. The museum will then be asked to forward the specified fee, made payable to the 'Accounting Officer, Home Office (or Scottish Government)' to the Home Office or Scottish Government:

Home Office  
Shared Service Centre  
HO Box 5005  
Newport  
Gwent  
NP20 9BB

Scottish Government  
Central Accounting Branch  
Mail Point 11A  
Third Floor West  
Victoria Quay  
Leith  
Edinburgh  
EH6 6QQ

The licence will be issued to the museum and copied to the chief officer of police.

17.13 A museum licence is valid for a period of five years, subject to its revocation or cancellation. An application for renewal will follow the same procedure as for a grant. It is recommended best practice that applications for renewal should be made at least three months before the expiration of the previous licence.

## Variation of museum licences

17.14 Paragraph 2 of the Schedule to the 1988 Act empowers the Secretary of State or the Scottish Ministers to vary, by notice in writing:

- a) the conditions specified in the licence held in respect of the museum; and
- b) the premises to which the licence applies.

A notice under this section may require the persons responsible for the management of the museum to return the licence to the Secretary of State or the Scottish Ministers within 21 days so that the licence may be amended in accordance with the variation.

17.15 A request for a variation may be made directly by the museum or may arise from new circumstances which come to light. For example, the museum may wish to use additional premises for the storage or display of firearms. In this case an application should be made in writing to the Home Office or the Scottish Government, who may then request that the police undertake an additional security inspection. On the other hand, circumstances may come to police notice which suggest that an additional condition to ensure safekeeping should be attached to the licence or that security arrangements for particular premises are no longer suitable. In such a case a full report on the circumstances, together with the recommendation of the chief officer of police, should be forwarded to the Home Office or the Scottish Government. Where difficulties arise, every effort should be made to consult fully with the museum authorities.

17.16 Where a museum's request to extend the licence to additional premises is granted, it will be issued subject to receipt of the relevant fee under paragraph 3 of the Schedule to the 1988 Act.

## Revocation of museum licences

17.17 The Secretary of State and the Scottish Ministers are empowered (see paragraph 2 of the Schedule to the 1988 Act) to revoke a museum licence by notice in writing to the persons responsible for the management of a museum if:

- a) after consultation with the local chief officer of police, they are satisfied that the continuation of the exemption afforded by the licence would result in a danger to public safety or the peace; or
- b) the persons responsible for the management of the museum, or any servant of theirs, has been convicted of an offence under the Schedule to the 1988 Act; or
- c) those persons have failed to comply with a notice under paragraph 2 of the Schedule requiring them to return the licence to the Secretary of State or the Scottish Ministers.

- 17.18 Should circumstances come to police attention which indicate that the continuation of a licence may give rise to a danger to public safety, details should be reported to the Home Office or the Scottish Government. Where a problem arises over security arrangements, the museum authorities should be approached in the first instance with a view to resolving any difficulty.
- 17.19 A conviction need not of itself lead to revocation under paragraph 17.16(b) above. The Secretary of State or the Scottish Ministers will wish to take account of the circumstances surrounding any offences, the position in the organisation of any offender and the response of the museum authorities.
- 17.20 Where a licence has been revoked, the Secretary of State or the Scottish Ministers will require, by notice in writing, the licence to be surrendered to them. It is an offence to fail to comply with such a notice.

## Offences and enforcement

- 17.21 It is an offence under paragraph 4 of the Schedule to the 1988 Act:
- a) for a person to make any statement which they know to be false for the purpose of the grant, renewal or variation of a licence; and
  - b) for the person or any of the persons responsible for the management of the museum to fail to comply with or to cause or permit another person to fail to comply with any condition specified in the licence held in respect of the museum.
- 17.22 A defence of due diligence is provided against a charge under (b) above (see paragraph 4(4) of the Schedule to the 1988 Act). Under paragraph 4(5) of the Schedule, where an offence under paragraph 4 committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any:
- a) director, manager, secretary or other similar officer of the body corporate, or;
  - b) any person who was purporting to act in any such capacity
- they, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against and punished accordingly. References to the persons responsible for the management of the museum are to the Board of Trustees, the governing body, or any other person exercising corresponding functions of management.

# Chapter 18: Rifle and muzzle-loading pistol clubs, schools and cadet corps

18.1. This chapter details:

- i. procedures for club approval;
- ii. issues such as the use of ranges, security of firearms and good practice in club administration;
- iii. information about the renewal of certificates, club inspections;
- iv. the requirement of the police to maintain a register of clubs within their force area; and
- v. how the Firearms Acts relate to cadet corps and school target shooting clubs.

## Introduction

- 18.2. Applications for club approval are decided by the Secretary of State in England and Wales, and Scottish Ministers in Scotland, and should be submitted in writing on Form 124. If the club has, or intends to have, its own firearms, the application is to the local police licensing department for the area in which they will be stored. If the club has no storage facilities, the application should go to the police firearms department for the area in which the club principally operates.
- 18.3. Members of a rifle club, miniature rifle club or muzzle-loading pistol club approved by the Secretary of State or the Scottish Ministers may, without holding firearm certificates, have in their possession firearms and ammunition when engaged as members of the club in, or in connection with, target shooting (section 15(1) of the 1988 Act as amended by section 45 of the 1997 Act). It should be noted that section 15(1) does not stipulate that the firearms must be club firearms. A member of an approved club may temporarily possess a firearm solely in connection with target shooting on the club's range, or other ranges which it may use. However, a person cannot possess a firearm under this exemption if it is a class of firearm for which the club is not approved. It should also be noted that section 15(1) of the 1988 Act, as amended, does not apply to the use of long barrelled pistols or section 1 shotguns used for target shooting, as it only allows possession of rifles or muzzle-loading pistols at suitably approved clubs. Accordingly, club approval cannot be extended to cover the use of these firearms.
- 18.4. Members may not purchase or acquire firearms or ammunition unless they have been granted firearm certificates and the exemption does not cover the use of firearms for purposes other than target shooting. The case of *R v Wilson* (1989) held that possession of firearms and ammunition must only be in connection with the club's activities, and does not give members a wider authority.

18.5. Whether approved or not, miniature rifle clubs are exempt by virtue of section 11(4) of the 1968 Act. Under that subsection a person conducting or carrying on a miniature rifle range (whether for a rifle club or otherwise) or shooting gallery at which only miniature rifles and ammunition not exceeding .23 calibre or air weapons are used may, without a firearm certificate, purchase, acquire or possess such miniature rifles or ammunition for them. Whilst there is no legal definition of a miniature rifle, other than one which does not exceed .23 inch in calibre, it is generally accepted that this refers only to rifles firing .22 rimfire cartridges (see also chapter 6). Persons using the range are exempt from holding a firearm certificate only whilst using such miniature rifles and ammunition at such a range or gallery. Home Office approval can only be granted to a miniature rifle club if it can adhere to the Home Office's club criteria.

## Procedure for club approval

- 18.6. All applications for the approval of the Secretary of State or the Scottish Ministers should be made on Form 124. This form may be obtained from the principal shooting associations (the National Rifle Association, the National Small-bore Rifle Association and the Muzzle Loaders Association of Great Britain) and is also available from the www.GOV.UK website at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/117800/firearms1.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/117800/firearms1.pdf). Part A of the form is completed by the applying club's secretary. Renewal applications should be submitted at least three months before the previous approval expires. All applications must be signed by an official of the club; this will usually be the club secretary. Applications should be submitted to the Firearms Licensing Department of the police for the area in which the club's firearms are to be stored or, in cases in which the club has no firearms, the chief officer for the area in which the club principally operates (see 18.2).
- 18.7. The chief officer will arrange for a visit to take place, whereby checks will be made to ensure firearm security is satisfactory. If the chief officer of police is satisfied that the club satisfies the criteria for approval, they should complete part B of the form before submission. In cases in which enquiries indicate that there is no prospect of the club being able to satisfy the criteria for approval, the form should be submitted with part B uncompleted. A covering letter should be sent with the form indicating why the police cannot recommend the grant of approval.
- 18.8. Once the above steps have been completed, the form should be submitted without delay to the Home Office or the Scottish Government.
- 18.9. Should a club not immediately be in a position to satisfy the criteria, but it appears that given time it will be, the club secretary or responsible officer should be advised of the shortcomings. The submission of the application should then be deferred until such time as the club has been able to remedy the deficiencies (to a maximum of six months from the date of the original application). Once the club's arrangements satisfy the criteria, part B of the form should be completed by the police and submitted to the Home Office or the Scottish Government. Should the club not be in a position to satisfy the criteria at the end of the six-month period, part B should be left blank and the form submitted to the Home Office or the Scottish Government with a covering letter explaining why approval has not been recommended.

- 18.10. In considering whether or not to grant an application for approval, the Secretary of State and the Scottish Ministers must satisfy themselves that:
- i. the club has regular use of ranges with financial arrangements in place to cover the losses to third parties which are safe for the class of firearms for which approval is requested;
  - ii. the security arrangements for the storage of club firearms and ammunition, where held, are satisfactory;
  - iii. the application is being made by or on behalf of a bona fide club which is able to meet the criteria set out in paragraph 18.24; and
  - iv. there are no other considerations which would make the club unsuitable for approval.
- 18.11. Club approval by the Secretary of State or the Scottish Ministers will only cover target shooting with the categories of firearm listed below:
- (a) Full-bore rifles, including pistol calibre “gallery rifles”;
  - (b) Small-bore rifles; and
  - (c) Muzzle-loading pistols
- 18.12. The decision about which categories will be included in the approval letter will be dependant upon whether suitable ranges are available to the club.

## Variation applications

- 18.13. Applications for variation of Club Secretary, change of address or category of firearm must be submitted in writing to the Home Office or the Scottish Government. For clubs situated in England and Wales, the Club Secretary must also reside in England or Wales. For clubs situated in Scotland, the Club Secretary must reside in Scotland.

## Ranges

- 18.14. The ranges which a club cites when applying for approval should be available for the club to use on a regular basis.<sup>1</sup> It should be noted that civilian club bookings on military ranges may be cancelled, often at short notice, due to operational requirements and a growing Territorial force, so allowance should be made for changes beyond the Club’s control. Readily available access to a suitable range in another part of the country might be sufficient to qualify for approval purposes depending on the circumstances.
- 18.15. The responsibility now rests firmly with range owners/operators to ensure that their range is constructed and maintained safely. Failure to do so will leave them liable to sanctions under a range of legislation, such as the Occupiers’ Liability Act 1984, the Occupiers’ Liability (Scotland) Act 1960 and the Health & Safety at Work etc Act 1974. The National Rifle Association and National Small-Bore Rifle Association have a range inspection service.

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<sup>1</sup> As a guide, this would be a minimum of six occasions a year although in some circumstances, a lower frequency of use might be justified.

- 18.16. The revised club criteria (see paragraph 18.24) and certificate conditions now include a requirement for owners/operators of ranges to have in place adequate financial arrangements to meet any injury or damage claims. In most cases this will be insurance cover. However, other arrangements are acceptable so long as they provide adequate cover. For example, some local authority ranges deposit a bond to cover their risk. Military ranges, which are regularly inspected, will normally cover their own risk.
- 18.17. The level of cover will vary according to the nature of the range and the type of firearms used on it. As a guide, cover should normally be around £5 million for any one incident.
- 18.18. The National Small-bore Rifle Association (NSRA) and the National Rifle Association (NRA) have established their own inspection and approval scheme for the ranges run by their affiliated member clubs.
- 18.19. The NSRA and NRA have prepared guidance for their members on the safe construction of ranges. That guidance will be used by the organisations as the basis for their inspections and the issue of approvals. The NSRA and NRA have indicated that they are willing to make their inspection and approval service available to ranges not affiliated to either organisation. It is anticipated that most ranges will use the NSRA and NRA scheme. However, it is for each range owner/operator to decide what steps to take to ensure their range is safe.
- 18.20. Police forces will need to satisfy themselves that ranges used by a club are safe and have adequate insurance or other financial cover. In many cases clubs will be expected to have an old-style military safety certificate or a NSRA/NRA approval letter, and/or an insurance certificate. The responsibility for safety on the range lies with the owner/operator. The MOD remains responsible for the safety of the range construction for ranges under its control. It is not intended that police forces should become experts in range construction or to have to inspect ranges. However, the NSRA/NRA guidance will be available to police forces to refer to where the need arises.
- 18.21. If a rifle or muzzle-loading pistol club seeking approval proposes to use a range situated on licensed premises, it is essential in view of the provisions of section 82 of the Licensing Act 2003 and the Licensing (Scotland) Act 2005, that the matter be considered by the licensing authority. The Secretary of State or the Scottish Ministers will withhold approval until they are informed by the chief officer of police concerned that the licensing authority has no objections to the situation and to the use of the range in general.

## Security of club firearms

- 18.22. The club's co-operation should be sought to ensure that the firearms and ammunition owned by the club are stored securely. The signatory of the club certificate (usually the club secretary) is ultimately responsible for the safekeeping of club firearms and ammunition, but they need not necessarily be present each time these are issued to or used by club members. It is also acceptable for members other than the firearm certificate holder, if the activity is clearly in connection with target shooting, to transport firearms to another club or authorised range for a competition or to a dealer for repair. It is advisable when transporting firearms as a member of a club to have some form of written authorisation from a club official (see also chapter 22).

## Administration of clubs

- 18.23. The Secretary of State and the Scottish Ministers attach great importance to the responsible administration of approved clubs and will wish to ensure that certain criteria are complied with. These criteria are found in the Home Office leaflet “Firearms – Approval of Rifle and Muzzle-loading Pistol Clubs”, and can be found via the following link: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/117803/approval-rifle-pistol-clubs.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/117803/approval-rifle-pistol-clubs.pdf). Please note that section 9 of the leaflet is outdated and responsibility now lies with individual clubs to ensure their range is constructed and maintained safely (see section 18.15).
- 18.24. The approval criteria for school target shooting clubs differ significantly from criteria found via the link above, and are as follows:
- i. target shooting with full or small-bore rifles should be an authorised school activity;
  - ii. all aspects of shooting at the school must be under the control of one experienced person who is nominated by and responsible to the Head Teacher. This person must have personal experience of shooting with the firearms used by the club and at least one year’s experience of exercising control for the age group of pupils concerned;
  - iii. the school must have regular use of ranges which are suitable for the categories of firearm to be used;
  - iv. the security arrangements for storing the school firearms and ammunition must be satisfactory;
  - v. all shooting activities, including the handling of firearms and ammunition, must be supervised at all times either by the responsible adult at the school, or by at least one other equally experienced person nominated by the Head Teacher, or by someone who is a coach with a qualification recognised by the NRA or NSRA;
  - vi. shooting is normally available only to pupils and staff of the school, visiting teams from schools which have also been approved by the Secretary of State or the Scottish Ministers under section 15 of the 1988 Act, full members of rifle clubs approved under that section, members of Cadet Corps or individuals who hold a personal firearm certificate and shoot in accordance with the terms of that certificate;
  - vii. the school does not allow shooting by guests on more than twelve days each year. On such occasions, only parents, guardians and other relatives of pupils of the school or other adults known to the person responsible for shooting, may handle firearms and ammunition. Guest members must be under constant one-to-one supervision when handling firearms and ammunition either by the responsible adult at the school, or another equally experienced person nominated by the Head Teacher, or someone who is a coach, or Range Conducting Officer with a qualification recognised by the NRA or NSRA. The Head Teacher or the responsible adult at the school must tell the local police about guest days at least 48 hours in advance;
  - viii. the Head Teacher must appoint a person to act as liaison officer with the police and the chief officer of police must have confidence that this person can provide the police with such information as they require to ensure that shooting is conducted properly and gives no cause for concern;

- ix. the school will maintain a register of the attendance of all members together with details for each session of the firearms which they used and the competitions, if any, in which they took part;
- x. the school will inform the police of any holder of a firearm certificate who has ceased to be a member of the club;
- xi. the school will inform the police if any member who holds a firearm certificate has not attended a meeting for a year; and
- xii. there is nothing else that would make the school unsuitable for approval.

## Disclosure of information

18.25. Under the terms of their approval, clubs are obliged to notify the police of any applications for membership, giving the applicant's name and address and the outcome of any application. The police should acknowledge receipt of such notifications. The notes on the criteria for Home Office or Scottish Government approved club status indicate that clubs should make their own arrangements for assessing whether members or prospective members are of good character and that chief officer of police should not be asked to disclose whether or not someone has a criminal record. Nevertheless, notification will enable the police to take prompt action where the applicant is found to be a prohibited person or is considered not to be a suitable person to be issued with a firearm certificate.

18.26. Current legislation/common law does not allow for the disclosure by the police to a shooting club of personal details of a member, or prospective member, unless the information is needed to prevent (or detect) a crime, or to enable the apprehension or prosecution of an offender. If, for example, an applicant is a prohibited person, an offence could have taken place and the club's full co-operation would be required to provide evidence for any prosecution under section 21 of the 1968 Act. If it is necessary to disclose the prohibition in order to investigate the matter it would be lawful to do so. If an individual is judged to be unsuitable for other reasons, the club liaison officer should be formally so notified in a timely manner. If a club is not advised of unsuitability, it is unlikely to refuse or terminate membership until after an incident has occurred. The club liaison officer or other club official may then inform the applicant that the police consider him to be unsuitable as a firearm certificate holder, and may refuse the application. In doing so the applicant should be given the contact details of the police firearms licensing department to enable them to make representations.

18.27. The police must notify a club if a member's firearm certificate is revoked or refused. In addition, clubs should be told in general terms of the reason for the revocation or refusal in order that they can make an informed decision whether to allow the member to continue shooting as a member of the club.

## Grant of approval

18.28. If an application for the Secretary of State or the Scottish Ministers' approval is granted, a letter of approval will be sent to the applicant (club secretary). A copy of the approval will also be sent to the chief officer of police. A decision to withhold approval will be notified in the same way.

## Free firearm certificates for approved clubs

- 18.29. Although a fee is payable for the grant or renewal of the Secretary of State or Scottish Ministers' approval under section 15 of the 1988 Act (as amended), no fee is payable for a firearm certificate granted to the responsible officer of any club approved by the Secretary of State or the Scottish Ministers relating to firearms and ammunition to be used solely for target shooting by members of the club (section 32(2) of the 1968 Act). Similarly, no fee is payable for the variation or renewal of such a certificate. The exemption does not extend to certificates given for firearms not mentioned in a club's approval. Responsible officers of approved clubs who are granted firearm certificates should be reminded of the necessity for strict compliance with the law confining the exemption allowed to members.
- 18.30. The notes to the Secretary of State and the Scottish Ministers' letter of approval state that the chief officer of police must be informed if the club wishes to use an alternative or additional range regularly (this does not apply to regular competitions between approved clubs). Changes of club secretary or club title or premises must also be notified.
- 18.31. There is no need for the Secretary of State or the Scottish Ministers to be kept informed of the ranges being used by an approved club. It is sufficient for the chief officer to inform the Home Office or the Scottish Government when a club loses the use of a suitable range and consideration might have to be given to the withdrawal or variation of the Secretary of State or the Scottish Ministers' authority.
- 18.32. Letters of approval are issued in the name of the club and state the club secretary's and, from 1 January 2015, another designated responsible officer's name and address. Where a change of club secretary or other designated responsible officer has occurred details of the new secretary or responsible officer, giving their full name and address, should be notified to the Home Office and Scottish Government as soon as possible. Failure to do so within fourteen days of the change could lead to the club's approval by the Home Office or Scottish Government being withdrawn. If both the secretary and the other designated responsible officer are both unable to fulfil their role, members of the club can continue to shoot using only those firearms held on their personal firearm certificates. In such cases, any firearms owned and held on the club firearm certificate cannot be used until a new approval letter has been issued. The new approval letter should be issued as soon as possible, if possible with no gap in the change over dates, in order that competition deadlines can be met.

## Subsequent checks on approved clubs

- 18.33. Rifle and muzzle-loading pistol clubs approved by the Secretary of State or the Scottish Government are required by section 15(7) of the 1988 Act (as amended) to allow any constable or civilian officer duly authorised in writing to enter any premises occupied or used by the club and to inspect those premises and anything on them to ascertain whether the provisions of section 15 and any limitations or conditions in the approval are being complied with. The inspection should establish that the standard of the organisation and membership of the club remains satisfactory.
- 18.34. The club's attendance register should also be checked to ensure that all members with personal firearm certificates are regularly attending and that the club's return of members who have not shot with them for twelve months is accurate. The frequency of use of ranges will vary depending on the club's individual circumstances. These will include the proximity of the nearest suitable range and the ease with which bookings can be made. Target shooters may be expected to use their firearms regularly, at least three times a year. This is

not the case for firearms held for other reasons such as collecting or deerstalking. Historic arms may be held for occasional use, in order to avoid excess wear on old artefacts.

18.35. Where problems arise with the running of a club, which are not resolved by local discussion, and which might result in the withdrawal of the club's approval, the facts should be reported without delay to the Home Office or the Scottish Government. In most circumstances, representations on the matters raised may be invited from the club secretary by the Home Office or the Scottish Government.

### **Extension of club approval**

18.36. Applications for the initial approval of a club under section 15 of the 1988 Act to be extended to cover additional categories of firearm should be submitted on Form 124 under the same procedure as set out in paragraphs 18.6 – 18.9 and 18.28. No fee is payable on the extension of an approval.

### **Club renewals**

18.37. Section 15(5) of the 1988 Act (as amended) provides that an approval under that section shall, unless withdrawn, continue in force for six years from the date on which it was granted. The approval may be renewed for a further six years on application, for a fee, as per section 15(6). Form 124 is available for this purpose and should be submitted under the same procedure as set out in paragraphs 18.6 – 18.9.

### **Police records**

18.38. Chief officers of police should maintain an index of all clubs situated in their police force area approved under section 15(1) of the 1988 Act. Details of the club's secretary and police liaison officer should be recorded and maintained. The index can be used as a reference point when dealing with applications for personal firearm certificates though this will not remove the need to contact the secretary or other officer in all such cases.

### **Combined Cadet Force, Sea Cadet Corps, Army Cadet Force and Air Training Corps**

18.39. Cadets are regarded as Crown Servants for the purposes of the Firearms Acts and are exempt from the requirement to possess a firearm certificate when shooting as a member of the corps. Furthermore, firearms may be acquired for the corps by a responsible officer duly authorised in writing by the unit's commanding officer without the need for a firearm certificate (section 54(2)(b) of the 1968 Act).

### **Retention of club members' records**

18.40. Clubs should retain members' details/records for six years following cancellation of membership.

# Chapter 19: Security of Firearms and Ammunition

- 19.1. This chapter provides information about the secure keeping of firearms and ammunition, referring to other sources of more detailed information where appropriate. It sets out the security issues for chief officers of police to consider when dealing with certificate applications, renewals or variations. Information about the storage of explosives and black powder is the responsibility of the Health and Safety Executive and advice may be obtained from police explosives liaison officers.
- 19.2. The Firearms Rules 1998 (SI 1941) (as amended) prescribe safe keeping conditions on firearm and shotgun certificates. They create two levels of security:
- (a) Paragraph (a) provides for the firearms and ammunition to which the certificate relates to be stored securely at all times except as provided in paragraph (b), so as to prevent, as far as is reasonably practicable, access by an unauthorised person; and
  - (b) Paragraph (b) lists the circumstances in which the security requirements of paragraph (a) do not apply:
    - i. when the firearms or ammunition are in use;
    - ii. when certificate holders have the firearm with them for cleaning, repairing or testing it or in connection with its use, transfer or sale; or
    - iii. for some other purpose connected with its use, transfer or sale; or
    - iv. the firearm or ammunition is in transit in connection with any of these purposes.
- 19.3. Under the circumstances in paragraph (b) the certificate holder must take reasonable precautions for the safe custody of the firearms or ammunition. Further detail is set out below in Appendix 7 of this guidance and in the “Firearms Security Handbook” produced jointly in 2005 by the Home Office, the Associations of Chief Police Officers of England, Wales and Scotland and the British Shooting Sports Council, available at the following link: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/117636/firearms-security-handbook.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/117636/firearms-security-handbook.pdf).
- 19.4. A similar safekeeping condition appears on a shotgun certificate. The only difference is that the condition does not extend to shotgun cartridges, although it is advisable to store them safely.

## Secure Storage

- 19.5. The “Firearms Security Handbook” referred to above provides advice on security measures appropriate to different types of firearms and ammunition in different circumstances. While the requirements to keep firearms securely are statutory, there are no statutory provisions on how this duty should be discharged.

## The Firearms Rules

- 19.6. The Rules do not prescribe the form of safekeeping or security. As with most aspects of crime prevention, the police must look at the individual circumstances of each case and at the overall security arrangements that will be in place. The level of security should be proportionate to the risk and each case must be judged on its merits. A firearm is like any other property which needs protecting from the burglar/housebreaker or thief. Advice should be balanced and reasonable as well as comprehensive.
- 19.7. Section 24ZA of the 1968 Act, as inserted by section 46 of the Crime and Security Act 2010, makes it an offence for a person in possession of an air weapon to fail to take “reasonable precautions” to prevent someone under the age of eighteen from gaining unauthorised access to it. This does not require the holder to use gun cabinets, but they must take reasonable steps to prevent those under the age of eighteen from having unsupervised access to their air weapons. Those aged fourteen to seventeen may use air weapons unsupervised on private premises where they have permission. See chapter 7.

## Factors for consideration

- 19.8. These include the following:
- a) A risk assessment based on the levels of property crime in the area. This might be obtained from police officers working locally. These may be subject to sudden temporary changes and it is helpful to look at the longer-term trends of property crime in an area. The incidence of gun theft in the area might also be a factor;
  - b) The remoteness or otherwise of the premises, and the potential response to calls for assistance, either by police or neighbours;
  - c) The manner in which the property is overlooked and/or illuminated. These are significant factors in deterring burglars;
  - d) The extent to which the property is occupied or left unoccupied;
  - e) The location of storage points within the property and where appropriate the distribution of firearms within each secure point;
  - f) The attractiveness of the type of firearms to criminals. Muzzle-loading firearms for example, whether original or reproduction, are not generally considered attractive to criminals;
  - g) The number of firearms held; and
  - h) Whether it is generally known that firearms are stored on the premises.

## The certification procedure

- 19.9. Security questions will be a key consideration when applications are made for the grant of a firearm or shotgun certificate. At such times the applicant will be seeking advice about the best security arrangements and this will provide a valuable opportunity to provide advice in the light of the circumstances prevailing at the time. If there is any doubt about

the adequacy of security the chief officer of police may take this into account before issuing a certificate.

- 19.10. Renewals or variations of firearm certificates, or the renewal of a shotgun certificate, provide further opportunities to assess security and safety. In practice there is unlikely to be a need for significant change if the recommendations were accepted and implemented, and there has been no subsequent change in circumstances.

## Unannounced Home Visits

- 19.11. Where it is judged necessary, based on specific intelligence in light of a particular threat, or risk of harm, the police should undertake an unannounced home visit to check the security of a certificate holder's firearms and shotguns. It is not expected that the police will undertake an unannounced home visit at an unsocial hour unless there is a justified and specific requirement to do so on the grounds of crime prevention or public safety concerns and the police judge that this action is both justified and proportionate.
- 19.12 Paragraph 23.3 of this guidance sets out the power of entry, subject to warrant, available to the police. While this is an important power, it should not be necessary to use in all cases where inspections/home visits are required as such enquiries or inspections may be carried out with the certificate holder's consent. It is expected that responsible certificate holders will co-operate with reasonable requests to inspect security arrangements or other aspects of suitability, and failure to do so may be taken into account when police consider suitability to possess the firearms. To mitigate any misunderstanding on the part of the certificate holder the police must provide a clear and reasoned explanation to the certificate holder at the time of the visit.

## Applying this guide

- 19.13. This guide should be applied with full regard to the individual circumstances and the type and location of the premises subject to recommendations. This summary relates to the situations relative to firearm or shotgun certificate holders.
- 19.14. No security suggestion must be made in respect of a window or other opening which has been provided as an emergency escape that will in any way prevent the immediate and unobstructed use of that escape route.
- 19.15. If there is reason to believe that there is a conflict between the need for firearms security and the safety of persons in that building, then advice must be sought.
- 19.16. Some situations and locations are such that these general principles cannot or do not provide the security commensurate with the risk. Every case must be judged on its individual merits.
- 19.17. The term "unauthorised access" has been held to include the constructive possession that can occur where persons other than the certificate holder have access to the keys for security devices, as well as access gained by criminal entry to the premises etc. Thus any keys to any security device should be kept secure, with access limited to authorised persons. This is especially important if there are children present in the premises. Knowledge by an unauthorised person of the location of the keys or to the combination to the locks may lead to a breach of the statutory security condition. In the case of *Regina v Chelmsford Crown Court, Ex parte Farrer (2000)* it was agreed that deliberately providing

information of the whereabouts of the keys was an offence. It was “reasonably practicable” for Mr Farrer not to tell his mother where the keys were kept in this case.

- 19.18. The Court of Appeal case of *Ex Parte Farrer* (2000) confirmed the proposition that, if other people who are not authorised to possess the firearm/shotgun have access to it, the firearm/shotgun will not have been stored securely to prevent access by unauthorised persons. The Court of Appeal found that the term “practicable” in the Firearms Rules means “feasible in practice” not socially convenient or “reasonable”. The court found that it was feasible for Mr Farrer to have prevented his mother having access, and that he was in breach of the conditions of the certificate because he gave his mother access to the key. What is required is for the certificate holder to keep the whereabouts of the key or security combination unknown to anyone but themselves.
- 19.19. With regard to shared security, such as a firearm and a shotgun certificate holder sharing a cabinet, separate security provisions to prevent unauthorised access to firearms once within the cabinet or primary security measure should be made. Devices such as lockable high tensile steel cable are suitable for this purpose.
- 19.20. Under most circumstances, it is preferable that firearms should be secured within the occupied part of a dwelling. Separate, detached buildings, or those attached but having only external access, including outhouses and garages, should not be used unless the levels of security warrant it. If used, these should also be protected by an intruder alarm linked to the household.
- 19.21. In some modern houses, thermal block is used for the inner skin of the main walls. This does not provide as substantial an anchorage point for security devices as those that can divide integral garages<sup>1</sup> from living areas, for example. While not usually a suitable location, if a garage is secured to the level of recommendations made later in this document then this option should be considered. However, this option should only be considered after reviewing all other locations within the inhabited part of the premises.
- 19.22. If the certificate holder’s dwelling is a mobile home or static caravan, a different set of security concepts should be adopted. Details can be found in the “Firearms Security Handbook”. These are primarily concerned with the anchorage of the structure. That structure’s capability to store items securely may require that an extra layer of security is needed to “target harden” the unit. It is unlikely that a gun room can be satisfactorily constructed within such a dwelling or unit of this type.
- 19.23. As with any other valuable articles, the security of firearms should be considered in layers:
- (i) Outer Layer: The protection of the surroundings etc which are necessary for particular situations or risks. Exterior lighting, approaches overlooked etc.;
  - (ii) Secondary layer: the protection of the surrounding structure (the building or part of a building) which contains the immediate or core layer for the firearms;
  - (iii) Immediate or core area: which will secure the firearms directly and allow access only by those who are authorised to have possession of those firearms.

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<sup>1</sup> Integral garage means those built within the dwelling and providing internal door(s) to the other living areas.

- 19.24. In most circumstances, the immediate and secondary layers are likely to be all that need to be addressed. However, conditions which affect either the ability of the outer structure to provide a defensive level commensurate with the particular risks, or any constraints upon the occupier, (for example crime level, property style or type of construction, constraints in tenanted property etc.) may require adjustments to either layer.
- 19.25. If the occupant can show that the house has been designed and built to the requirements of BS8220 (the “secured by design” model, introduced in 1996) or has doors to BS PAS 24 and windows to BS7950, those parts of the dwelling can be taken to have satisfactory security in respect of the secondary layer above.

## The broad levels of security

- 19.26. It may also be helpful to think of security in terms of broad “levels” to be applied according to the circumstances of each case. These are not intended to be prescriptive, but rather to provide guidance on what might be considered proportionate in each case.

### Level 1

- 19.27. The security of firearms, ammunition and shotguns within a dwelling can in most cases be achieved using a cabinet designed for this purpose. New cabinets should conform to the requirements of BS7558. Further information on the design of cabinets can be found in the “Firearms Security Handbook”. The cabinet should be fixed to the structure of the building and suitably located to frustrate attack and identification by persons visiting the premises. BS7558 was introduced in 1992, but many older cabinets will be built to acceptable standards and, if satisfactory, need not be replaced.
- 19.28. As an additional level of security, ammunition and easily removable component parts – such as rifle bolts etc. – should be stored separately from the firearms they fit, if it is safe and reasonable to do so and they may not be confused between firearms. This could be either by use of a detached storage container fitted elsewhere in the dwelling, or one built into or onto the firearms cabinet.
- 19.29. There is a need to consider other alternatives for unusual firearms such as punt guns, cannon etc. In these cases, such items may be secured in buildings other than the dwelling. Suitable securing points may be required where the situation or construction of such buildings make it necessary. Where possible any removable part that would render the gun inoperative should be stored separately.
- 19.30. When only one rifle or shotgun is held and a lower level of risk is involved, gun clamps or similar devices or arrangements may be adequate. Other considerations in that dwelling might be:
- a) Final exit doors of good construction secured with good quality locks and/or other types of deadlocking facilities;
  - b) Suitable locks/securing devices on ground floor windows and French/patio windows.
- 19.31. In more modern houses, the above requirements will be met in properties with PVCu doors or specialist doors with a multi-locking system which is secured by a deadlock. These requirements will also be met in properties with PVCu or specialist windows by a similar style of system secured by a keyed lock, either handle or independently mounted.

19.32. When providing advice to fit locks to PVCu doors and/or windows it must be stressed that the manufacturer/supplier should be consulted about which locks would be appropriate, as the fitting of non specified locks may cause damage to the article and invalidate the product warranty.

## Level 2

19.33. Where the individual circumstances are such that additional security might be required (for example, a high crime location, building regularly unoccupied, substantial number of firearms on the premises, repeat victimisation etc.), in addition to the provision of a suitable cabinet, gun room or safe, the following may be considered:

- a) The final exit door locks should be to BS3621 or equivalent and any French windows/ patio doors should have an integral locking system or be provided with supplementary locks to frustrate forcible opening, together with anti-lift blocks if applicable;
- b) Windows on the ground floor and those accessible from flat roofs etc should be fitted with an appropriate type and number of locks which are self-latching or key operated. These should have casement-to-frame locking along the opening edge;
- c) An audible intruder alarm to the appropriate standard protecting either the whole of the premises or those parts of the premises deemed necessary;
- d) Mitigating the risk by dividing up the number of guns between several secure locations.

19.34. For these purposes, a “substantial” number of firearms should be considered with regard to the type of firearms, their potential danger if misused and their likely attractiveness to criminals. At the lower end the number might vary between 6 and 10, depending on the type of firearm concerned, whilst anything over 10 would rarely be lower than level 2. However, it is not enough to base an assessment on the number of firearms alone; all factors mentioned above should be taken into account. Sound moderators, spare barrels, spare cylinders and component parts should not be considered as part of this total.

19.35. If the certificate holder provides a different form of security which equates to that provided above (such as a reinforced gun room or other area), this may also be accepted as suitable. The comments made in reference to PVCu and other specialist products are also applicable.

## Level 3

19.36. If the risk is assessed as being greater than the previous level (for example by virtue of a higher crime rate, certain high profile certificate holders, a larger number of firearms held etc) or the firearms being stored are section 5 prohibited weapons, then the following should be considered as well as the previous level of security:

- a) Dividing the risk, for example by the provision of separate cabinets, perhaps in different locations within the premises, to reduce the number of firearms per enclosure;
- b) Additional target hardening of the storage (cabinet with individual gun locks, or extending to a gun room);
- c) Installation of an audible intruder alarm to protect the whole of the premises. If there is a particular risk attached to the property or its area, a system with signalling should be

considered. The provisions of the current National Policing Lead for Firearms Licensing (formerly ACPO) intruder alarm policy should be considered if a signalling system is to be installed.

19.37. For these purposes, a “larger” number of firearms may be taken as meaning more than twelve guns (excluding antique firearms held under Section 58(2) of the 1968 Act as curiosities or ornaments). As with level 2, it is not sufficient to base an assessment on the number of firearms alone; all other factors mentioned above are equally important, and regard must be had to the type of firearms, their potential danger if misused and their likely attractiveness to criminals. Again, sound moderators, spare barrels, spare cylinders and component parts should not be considered as part of the total.

## Ammunition

19.38. As a matter of best practice, ammunition for section 1 firearms should be kept secure and separate from the firearm. Although secure storage of shotgun cartridges is not a requirement of the Firearms Acts, it is recommended that they should be locked away separately for security.

19.39. Although ammunition is not a serious fire hazard, it is advisable that ammunition containers are not kept in an area exposed to a risk of fire, nor should they be in the area of an escape route where there is a fire risk. If there is any doubt on the safety or method of intended storage, the Explosives Liaison Officer may be consulted. This is also recommended in the case where a private certificate holder intends to keep reloading articles such as gunpowder, primers or large quantities of cartridges etc.

## Siting and fixing of devices

19.40. Any firearm security cabinet etc. should be sited out of view both inside and outside the building. Securing to suitable building walls within built-in furnishings, that is wardrobes, cupboards, or lockers can prove effective. Rooms such as lofts and cellars that are unlikely to be visited by casual visitors are options. However, when recommending such places, it is important to consider whether the environment is suitable. Extremes in temperature, dampness or condensation may cause damage to valuable firearms. Particularly damp conditions may also cause corrosion of the fixings or the cabinet material, thus reducing its security.

19.41. In addition, the ease and convenience of access to such places is important. If this is difficult there may be a tendency for the certificate holder to delay putting their firearms away upon return to the dwelling. Police research has shown that a number of losses have involved owners not immediately securing their weapons and suffering their subsequent theft.

19.42. In advising on the location of any security cabinet, it is worth noting that most steel gun cabinets have a high weight-to-footprint ratio. The average floor loading for a suspended floor on timber joists is 56lbs per square foot. A 9-gun cabinet with a 24" x 12" (608 x 304 mm) footprint can be in the order of 126 lbs per square foot which equates to more than a safe average suspended floor loading. Any fixing to a wall will reduce this loading. Joist ends are a more suitable fixing location than joist runs, though care must be taken to avoid weakening the joists when fixing to them.

19.43. In a loft installation for a cabinet, care needs to be exercised. Not all lofts have joists calculated to include weight loading other than that of the ceiling below. It is not uncommon

for joists in lofts to be 40% smaller in cross sections than joists carrying floors. Full use must therefore be made of the support from structural walls carrying such joists. If there is any doubt, the applicant/certificate holder should obtain professional structural advice.

- 19.44. Fixings for security devices form an important part of the overall resistance to attack. Fastening to timber studded walls should be avoided, unless some additional anchorage can be provided. Floor or roof joists (subject to the previous comments) are acceptable. Walls of brick, concrete or masonry are usually the best bonding materials. It is important that the fixing chosen is correct for that material (for example expanding bolts, chemical anchors, toggle bolts etc.). With modern building materials, particularly breeze and thermal block walls, the materials are not particularly suited to normal fixing devices.
- 19.45. When security devices are being fitted, consideration should be given to varying the method of fixing. For example, in buildings with only partition internal walls and modern insulation block lining or random stone walls, it can be acceptable to fix cabinets horizontally, as long as appropriate fixing devices are used.
- 19.46. This will also assist when fastening into suspended wooden flooring, as it distributes the load more evenly. In this case, coach screws of at least 3/8" (8 mm) diameter and not less than 2.5" (63 mm) long will normally provide a suitable anchorage. Such fixings must be made into joists and not simply to the floor boarding.
- 19.47. Another consideration should be the size and weight of the larger form of gun cabinet or commercial safe. Due to their weight or size, fixing may be unnecessary in these cases, but they should be located in such a position that would further frustrate removal.

## **Consideration for certificate holders transporting firearms in vehicles**

- 19.48. When carrying firearms in a vehicle, the following steps are considered to accord with the duty to ensure the safe custody of the items.
- 19.49. Any firearms should be hidden, preferably in the locked boot or other secured load carrying area of the vehicle. The vehicle should not be left unattended for long periods whenever possible. Vehicles which have to be left unattended for any length of time should ideally have an immobiliser and/or alarm fitted.
- 19.50. If the vehicle is left unattended for any reason, firearms should be concealed, preferably in the locked boot or other secured load carrying area of the vehicle. Where practicable, the bolt, magazine or other operating part should be separated from the firearm and either carried on the person or kept in a locked container, ideally secured to the vehicle, or concealed elsewhere. Where possible any ammunition should be stored separately from the firearm and this too should be concealed from view. The vehicle should be locked, and any immobiliser or alarm should be set. Where possible, the vehicle should be parked within the sight of the responsible person and in a position that would frustrate attempts to enter the vehicle unlawfully (e.g. with the boot close to a wall).
- 19.51. In the case of estates, hatchbacks and similar vehicles, and where the firearms are to be left unattended, the following recommendations should be considered:
- a) The responsible person should ensure that the lid or cover of the load carrying area is in place and /or that the firearms are so covered or concealed to prevent their identification;

- b) The firearms and ammunition should not be stored together. Where the boot or load carrying area is the most practical place, ammunition should be secured in an appropriate container, ideally secured to the vehicle;
- c) Wherever possible, the bolt, magazine or other operating part should be separated from the firearm and either carried on the person or kept in a locked container, ideally secured to the vehicle, or concealed elsewhere;
- d) If firearms are regularly carried in such a vehicle, provision should be made for securing the firearms to the vehicle's structure. For example, security cases, cage, cable or clamp.

19.52. When firearms and ammunition are being carried on a journey which involves them being kept away from their usual secure storage, the responsible person should ensure that they are secure, as far as reasonably practicable.

19.53. Considerations when firearms are being taken to venues involving overnight or longer accommodation include:

- a) Obtaining accommodation which provides secure facilities (some hotels offer this service) but the certificate holder (whose responsibility it is) should satisfy himself that no unauthorised person has access to the security, for example by having spare keys to a cabinet;
- b) Separating and retaining possession of integral parts of the firearm to prevent it being used; or
- c) Using portable security devices, such as security cords.

# Chapter 20: Fees

20.1. This chapter sets out the legal authority for charging fees for certificates issued under the Firearms Acts and sets out the exemptions. It does not provide details of the amounts payable.

## Legal authority and rationale

20.2. Under section 43 of the 1968 Act, the Secretary of State has power to vary the level of fees payable under the Act. Fees were last set in 2001 and are subject to change.

## Exemption from fees for firearm certificates

### Variations

20.3. No fee is payable on variation:

- a) if the total number of firearms to which the certificate relates is not increased;
- b) in respect of amended or variation of conditions;
- c) in respect of ammunition alone; or
- d) when a firearm certificate is renewed at the same time.

20.4. In accordance with section 32(1)(c) of the 1968 Act, a fee is payable for a variation (other than when the certificate is being renewed at the same time) that increases the number of firearms to which the certificate relates. No fee is payable where the two elements of a “one for one” variation take place at the same time; that is one firearm is exchanged for another at the same time.

20.5. Where a certificate holder who has disposed of a firearm makes application for a variation upon disposing of the firearm this will not normally attract a fee. This is usually within the seven days allowed for advice of the disposal, although this time may vary between police forces and depend on circumstance. Timings should be checked with the relevant licensing department.

### Target shooting clubs

20.6. No fee is payable in respect of a firearm certificate granted to the responsible officer of any rifle or muzzle-loading pistol club or miniature rifle club approved by the Secretary of State or the Scottish Ministers, and relating to firearms and ammunition to be used solely for target shooting by members of the club. Nor is any fee payable in respect of the variation or renewal or such a certificate (section 32(2) of the 1968 Act).

20.7. A fee is payable in respect of the grant or renewal of the Secretary of State or Scottish Ministers’ approval of such a club or school (section 15(6) of the 1988 Act) (See also chapter 18).

## Other exemptions from fees for firearm certificates

- 20.8. Sections 32 and 35 of the 1968 Act state a fee is charged only upon “grant”, “renewal” or “replacement” of a certificate. Therefore forces are unable to charge for the cost of a firearms or shotgun certificate upon refusal.
- 20.9. Section 32(3) of the 1968 Act also provides that no fee shall be payable on the grant, variation or renewal of a certificate if the chief officer of police is satisfied that the certificate relates solely to, and, in the case of a variation, will continue when varied to relate solely to;
- (a) a firearm or ammunition which the applicant requires as part of the equipment for a ship or hovercraft; or
  - (b) a signalling apparatus (for example signal or ‘Very’ pistols) or ammunition which the applicant requires as part of the equipment of an aircraft or aerodrome; or
  - (c) a slaughtering instrument or ammunition, which the applicant requires for the purpose of the slaughter of animals. The term “slaughtering instrument” means a firearm designed or adapted for this purpose, rather than simply a weapon possessed for the humane destruction of animals.
- 20.10. In categories (a) and (b) a free certificate should, in general, be granted only to the owner or charterer of the ship, hovercraft, aircraft or aerodrome, the owner or charterer’s agent, or the master or other responsible officer in charge of the stores of the ship, hovercraft, aircraft or aerodrome. In the case of category (c), the persons to whom free certificates in respect of slaughtering instruments or ammunition may be granted will include master butchers, superintendents of abattoirs, farmers, smallholders and crofters who kill their own animals within the food chain. Note that vets are not exempt.
- 20.11. Section 32(3A) of the 1968 Act, as amended by Article 5 of the Firearms (Variation of Fees) Order 1994, provides a further exemption from the requirement to pay a fee for signalling devices which, when assembled and ready to fire, are not more than eight inches long.
- 20.12. Section 32(4) of the 1968 Act provides that a firearm certificate relating solely to a trophy of war shall be granted free of charge and if so granted subject to the condition that the applicant shall not use the firearm. An ordinary certificate may also be varied free of charge so as to cover a trophy of war if the variation is made subject to the condition that the weapon shall not be used.
- 20.13. Section 54(2)(b) of the 1968 Act provides for the issue of a free firearm certificate or, as the case may be, shotgun certificate to a person in the armed services who satisfies the chief officer of police that they are required to purchase or acquire a firearm or ammunition for their own use in their capacity as such.
- 20.14. The Diplomatic Privileges Act 1964 exempts diplomats and members of some international bodies from payment of the certificate fee (see the section titled ‘Representatives of Foreign States and Commonwealth countries’ in chapter 10).

## Exemption from fees for shotgun certificate

20.15. No charge should be made for shotgun certificates issued to diplomats and members of the international organisations (see chapter 10). There are no other exemptions from the requirement to pay the fee for a shotgun certificate but a reduced fee is payable when the certificate is coterminous with a new or current firearm certificate as per section 11(3) of the 1988 Act.

## Dealer's registration

20.16. Section 35(2) of the 1968 Act provides an exemption from the requirement to pay a fee for registration as a firearms dealer when the applicant is transferring their business from another police force area where they are already registered. This is also the case when the transfer is merely the result of a change of local government or police force area boundaries.

# Chapter 21: Notices And Appeals

21.1 This chapter provides information about:

- the circumstances that require chief officers of police, the Secretary of State or Scottish Ministers to provide notices to those including firearms or shotgun certificate holders, and registered firearms dealers; and
- the process for appeals against police decisions.

## Notices

21.2 Chief officers of police are required to give notice:

(a) to the holder of a firearm certificate:

- when varying a condition in the certificate (section 29(1) of the 1968 Act); or
- when the chief officer requires them to surrender their certificate under section 30D(1) of the 1968 Act – whereupon the chief office of police may request in writing the holder surrender any firearms or ammunition in their possession; or the certificate is cancelled by a court (section 52(2)(b) of the 1968 Act).
- when (following all reasonable attempts to reunite firearms with their owner), the chief officer of police chooses a manner in which to dispose of a firearm or ammunition of the certificate holder under section 12(4) of the 1988 Act. Every reasonable effort should be made to realise the best price for the firearm(s) and ammunition where possible (see also chapters 10 under ‘revocations and cancellations’).

(b) to the holder of a shotgun certificate:

- when requiring them to surrender their certificate when it has been revoked by the chief officer of police (section 30D(1) of the 1968 Act or cancelled by a court (section 52(2)(b) of the 1968 Act).

(c) to a registered firearms dealer:

- who has failed by the date of expiry to surrender their certificate of registration, requiring them to comply with the statutory requirement (section 38(6) of the 1968 Act);
- of the intention to remove their name from the Register; or
- when the name of the dealer is removed from the register, requiring them to surrender their certificate of registration and register of transactions. If the register is kept by means of a computer, a copy of the information comprised in that register should be in a visible and legible form (section 38(8) of the 1968 Act).

- 21.3 The Secretary of State and the Scottish Ministers are required to give notice:
- (a) to the holder of the Secretary of State or Scottish Ministers' authority under section 5(1) of the 1968 Act requiring them to deliver up their authority when it has been revoked (section 5(6) of the 1968 Act);
  - (b) to the persons responsible for the management of a museum holding a museums firearms licence:
    - when varying the conditions in the licence (paragraph 2(1)(a) of the Schedule to the 1988 Act);
    - when extending or restricting the premises to which the licence applies (paragraph 2(1)(b) of the Schedule to the 1988 Act);
    - when requiring them to surrender the licence when it has been revoked (paragraph 2(4) of the Schedule to the 1988 Act).
- 21.4 Article 2 of the Electronic Communications Order (SI 2011/713) amends section 56 of the 1968 Act to reflect that any notice to be given under that Act to a person may be given by recorded delivery service or electronic means such as email or fax. Notices may also be, and frequently are, served personally by the police, or in the case of somebody serving a term of imprisonment, a Prison Officer. In the case of revocation or refusal to renew a certificate, personal service, whenever practicable, gives the person an opportunity to discuss the matter.

## Appeals

- 21.5 Sections 28A, 29, 30A, 30B, 30C, 34, 36, 37 and 38 of the 1968 Act (as amended) and section 12(4) of the 1988 Act give rights of appeal against decisions of chief officers of police in connection with the grant, variation, renewal or revocation of firearm certificates, and the registration or removal from the register of firearms dealers. Under section 44 of the 1968 Act an appeal lies to the Crown Court in England and Wales, or to the Sheriff in Scotland, in accordance with Schedule 5 of the 1968 Act. There is a right of appeal against a decision to vary existing conditions in section 29, but not against the initial decision to impose conditions (*Buckland v Cambridgeshire Constabulary*).
- 21.6 Under Schedule 5 of the 1968 Act an appellant must give notice of their appeal to the administrator of the Crown Court (or Sheriff, in Scotland)<sup>1</sup> and to the chief officer of police concerned within 21 days after the date on which they received notice of the decision of the chief officer against which they wish to appeal. The chief officer might want to consider any further evidence or representations at any time leading up to the hearing of an appeal. The administrator of the Crown Court or Sheriff is then required to enter the appeal and give notice to the appellant and to the chief officer of the date, time and place fixed for the hearing. Paragraph 5 of the Schedule provides that the chief officer may appear and be heard at the hearing of the appeal. The Schedule also provides for abandonment of an appeal by notice in writing to the administrator of the Crown Court or Sheriff and the chief officer not less than two clear days before the hearing.

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<sup>1</sup> Schedule 5 Part III (Scotland) does not refer to a requirement to give notice of an appeal, the date, time and place of the hearing, or contain any provision about the abandonment of an appeal.

- 21.7 Section 44 of the 1968 Act was amended by section 41 of the 1997 Act. This provided two points of clarification in respect of the appeal process:
- (a) that an appeal shall be determined on the merits (and not by way of review), (*R v Acton Crown Court (ex parte Varney) 1984*); and
  - (b) that the Court or Sheriff hearing an appeal may consider any evidence or other matter, whether or not it was available when the decision of the chief officer was taken (*Kavanagh v Devon and Cornwall Constabulary 1974*).
- 21.8 In practice, this means that the courts will consider the case afresh, including any matters that may have come to light since the chief officer of police's decision was made. The chief officer should therefore consider any such matters which have arisen which might have a bearing on the case prior to the appeal.
- 21.9 In dealing with an appeal, police forces may wish to take the advice of their legal department on matters of law. It should be noted that guidance issued by the Home Office/Scottish Government or the National Policing Lead for Firearms Licensing is non statutory in nature, and therefore there is no express statutory obligation for the police or the public to have regard to it. However, such guidance will often reflect the existing case law and previous decisions by the courts, and forces should consider what precedents may have been established in similar cases.
- 21.10 As a general rule, no order for costs should be made against the police where an applicant is successful on appeal, unless, as an exception to the general rule, the police's decision was unreasonable, or the police have acted in bad faith, in which case costs can be awarded against the police in those limited cases. The main concern of the police should always be public protection. In these cases the following case law applies:
- *Oldring v Chief Constable of Hampshire (2003)* – Costs should only be awarded against the police where their decision was “Wednesbury unreasonable;” meaning so unreasonable that no reasonable decision maker could have arrived at it. The question of whether or not the police's decision was reasonable should be judged on the basis of the material that was before the police at the time they made the decision.
  - *R (On the application of Chief constable of Sussex) v Chichester Crown court (2003)* – Provided the chief constable reasonably comes to the conclusion that there are grounds to revoke and can maintain that view before the court, there can be no injustice to the appellant in denying them the ability to recover their costs even though they have succeeded on appeal.
- 21.11 Ultimately, the courts retain discretion over what to decide on the issue of costs, but the court will be bound to follow the applicable case law.
- 21.12 Recognising the public interest that the tightest control is exercised over those who possess firearms, the following case set out that, as a rule, appeals should be heard by full-time circuit judges.
- *Chief Constable of Essex v Campbell (2012)* – [Firearms licensing appeals] must, in the view of this court, be heard by full-time circuit judges. It is simply not fair to ask a part-time judge, without the experience of a full-time judge, to decide such issues. It should

therefore follow that it is only with the consent of the Presiding Judges of a Circuit that a Recorder should be permitted to hear any such appeal, given the overwhelming importance of the strictness of control over those who have the privilege of holding firearms.

# Chapter 22: Criminal use of Firearms

22.1 This chapter outlines the various criminal offences contained in the 1968 Act, and includes references to firearms offences under the Highways Act 1980 and the Violent Crime Reduction Act 2006.

## Conversion of weapons (section 4 of the 1968 Act)

22.2 Section 4(1) of the 1968 Act makes it an offence to shorten the barrel of a shotgun to a length less than 24 inches. It is not an offence for a registered firearms dealer to shorten the barrel of a shotgun for the sole purpose of replacing a defective part of the barrel so as to produce a barrel not less than 24 inches in length. Section 4(3) makes it an offence for a person other than a registered firearms dealer to convert an imitation firearm into a firearm.

22.3 A person who commits an offence under section 1 of this Act by possessing, purchasing or acquiring a shotgun with a barrel shortened to less than 24 inches or a converted imitation firearm without holding an appropriate firearm certificate shall be treated as committing the offence in an aggravated form.

## Possession of firearm with intent to endanger life (section 16 of the 1968 Act)

22.4 Section 16 of the 1968 Act makes it an offence to possess a firearm or ammunition with intent to endanger life or to enable another person to endanger life. The maximum penalty for this is life imprisonment.

22.5 Section 16A of the 1968 Act makes it an offence to possess a firearm or imitation firearm with intent to cause or to enable another person to cause, someone else to believe that unlawful violence will be used against them or another person. It provides for a maximum penalty of 10 years imprisonment or a fine, or both.

## Using a firearm or imitation to resist arrest (section 17 of the 1968 Act)

22.6 Section 17(1) of the 1968 Act makes it an offence for a person to use a firearm or imitation firearm with intent to resist or prevent their arrest, or that of some other person. Section 17(2) makes it an offence to possess a firearm or an imitation firearm when committing, or being arrested for, one of the offences in Schedule 1 of the 1968 Act (in Scotland, Schedule 2), unless they can show that they possess it for a lawful object. It should be noted that section 17(3) of the 1968 Act has been repealed.

22.7 Schedule 1 of the 1968 Act has been amended by Schedule 2 of the Theft Act 1968. Section 10 of the Theft Act 1968 creates the offence of aggravated burglary in respect of burglary with firearms. The Theft Act 1968 does not extend to Scotland.

- 22.8 For the purposes of section 17 of the 1968 Act the definition of “firearm” in section 57(1) of the 1968 Act applies without paragraphs (b) and (c) of that subsection, and “imitation firearm” is construed accordingly. The definition of firearm for the purposes of section 10 of the Theft Act includes an air gun or air pistol.
- 22.9 The Firearms Act 1982 Act extends the provisions of section 1 of the 1968 Act to firearms that have the appearance of being a firearm to which section 1 of the 1968 Act (firearms requiring a firearm certificate) applies, and it is so constructed or adapted as to be readily convertible into a firearm to which that section applies.

## **Carrying a firearm or imitation with criminal intent (section 18 of the 1968 Act)**

- 22.10 Section 18(1) of the 1968 Act makes it an offence for a person to have with them a firearm or imitation firearm with intent to commit an indictable offence or to resist arrest or prevent the arrest of someone else while they have it with them.
- 22.11 Section 18(3) provides that in Scotland, “indictable offence” means any offence specified in paragraphs 1-18 of Schedule 2 to the 1968 Act. It should be noted that the definition of “indictable offence” in section 57(4) of the 1968 Act was omitted by the Criminal Law Act 1977 schedule 13. The Interpretation Act 1978 states in Schedule 1 that, in relation to England and Wales, “indictable offence” means an offence which, if committed by an adult, is triable on indictment, whether it is exclusively so triable or triable either way.
- 22.12 In order to prove an offence under section 18(1) of the 1968 Act, it is necessary to show that:
- a. the accused had a firearm or imitation firearm with them; and
  - b. they intended to commit an indictable offence or to resist arrest or prevent the arrest of another, as the case may be.
- 22.13 Section 18(2) of the 1968 Act provides that if (a) and (b) are proved, that shall be evidence of an intention to have the weapon with them at the time of committing the offence or of resisting or preventing the arrest which can be displaced by evidence to the contrary.
- 22.14 Section 18 of the 1968 Act covers all types of firearms, including shotguns, air weapons and imitation firearms. It should be noted that an air weapon must be sufficiently powerful to be defined as a lethal barrelled weapon.

## **Carrying firearms in a public place (section 19 of the 1968 Act)**

- 22.15 Section 19 of the 1968 Act makes it an offence to have in a public place without lawful authority or reasonable excuse (the proof of which lies on the accused) a loaded shotgun, an air weapon (whether loaded or not), any other firearm (whether loaded or not) together with ammunition suitable for use in that firearm, or an imitation firearm.
- 22.16 Section 57(6) of the 1968 Act includes a definition of “loaded” in relation to shotguns and air weapons. An air weapon is to be treated as loaded if there is ammunition in the chamber or barrel or in any magazine or other device which is in such a position that the ammunition can be fed into the chamber or barrel by the manual or automatic operation of some part of the gun or weapon.

- 22.17 The definition of a “public place” in section 57(4) of the 1968 Act is the same as that in section 1(4) of the Prevention of Crime Act 1953, specifically “any highway and any other premises or place to which at the material time the public have or are permitted to have access, whether on payment or otherwise”. For Scotland, the word “highway” in the definition of “public place” in section 57(4) has been deleted and replaced by “road (within the meaning of the Roads (Scotland) Act 1984)”.
- 22.18 Members of an approved rifle or muzzle-loading pistol club who carry club firearms and ammunition for the purpose of club shoots at ranges away from their home club premises benefit from the provisions of section 15 of the 1988 Act. People so doing might be encouraged to carry written authority from their club secretary or club official and a copy of the club certificate. Firearms removed from club premises for the purpose of participating in competitions should be returned, without delay, to the club storage after the competition, unless it is impracticable to do so.

### **Trespassing with firearms (section 20 of the 1968 Act)**

- 22.19 Section 20 (1) of the 1968 Act makes it an offence for a person, while they have a firearm (including an air weapon) or imitation firearm with them, to enter or be in any building or part of a building as a trespasser, and without reasonable excuse (the proof of which lies with them). Sections 20(2) and 20(3) extend this offence to include any land and land covered with water.
- 22.20 Reasonable excuse is a defence, if it can be proved, but no exception is made for “lawful authority” since lawful authority itself would be incompatible with trespass. It is immaterial whether or not the firearm is loaded, or whether or not the accused have ammunition with them.

### **Possession of firearms by persons previously convicted of crime (section 21 of the 1968 Act)**

- 22.21 A person who has been sentenced to custody for life or to preventive detention, or to imprisonment or to corrective training for a term of three years or more, or to youth custody or detention in a young offenders institution, shall not at any time have a firearm or ammunition in his possession.
- 22.22 A person who has been sentenced to imprisonment for a term of three months or more but less than three years, or to youth custody or detention in a young offenders institution for such a term or who has been subject to a secure training order or a detention and training order, shall not at any time before the expiration of the period of five years from the date of his release have a firearm or ammunition in his possession.
- 22.23 In the case of a sentence with an order under section 47(1) of the Criminal Law Act 1977 (partly in prison and partly suspended) “the date of his release” means the date on which the period in prison specified in the order is completed.
- 22.24 In the case of a person subject to a secure training order “the date of his release” means the date in which he is released from detention under the order, or the date halfway through the total period specified in the order, whichever is the later.

- 22.25 In the case of a person subject to a detention and training order “the date of his release” means the date on which he is released from detention ordered under section 104 of the Powers of Criminal Courts (Sentencing) Act 2000, or the date in which he is released on licence following recall from prison as specified in the order, or the date of the half-way point of the term of the order, whichever is the later.
- 22.26 It should be noted that the wording of section 21(2B) was repealed by the Legal Aid, Sentencing and Punishment of Offenders Act 2012 from 3 December 2012.
- 22.27 A person who is subject to a recognizance to keep the peace or to be of good behaviour, or a community order within the meaning of Part 12 of the Criminal Justice Act 2003 made in England or Wales, or a caution in Scotland, containing a requirement that he shall not possess, use or carry a firearm, shall not at any time during which he holds the licence or is so specified by the order, have a firearm or ammunition in his possession.
- 22.28 It is an offence for a person to sell or transfer, or to repair, test, or prove, a firearm or ammunition for a person whom he knows or has reasonable ground for believing to be prohibited by this section to have a firearm or ammunition in his possession.
- 22.29 A person prohibited under this section from having in his possession a firearm or ammunition may apply to the Crown Court or, in Scotland, to the sheriff, for a removal of the prohibition, and if the application is granted that prohibition shall not then apply to him.

## **Firing an air weapon beyond premises (section 21A of the 1968 Act)**

- 22.30 Section 21 A of the 1968 Act, as inserted by section 34 of the Violent Crime Reduction Act, makes it an offence for a person of any age who has an air weapon on any premises to fire a missile beyond those premises. It is a defence for a person to show that the premises into or across which the missile was fired were premises the occupier of which had consented to the firing of the missile (whether specifically or by way of general consent).

## **Highways Act 1980**

- 22.31 Under section 161 of the Highways Act 1980, it is an offence for any person, without lawful authority or excuse, to discharge any firearm within fifty feet of the centre of any highway, if in consequence any user of the highway is injured, interrupted or endangered. For these purposes a carriageway means a highway (other than a cycle track) over which the public have a right of way for the passage of vehicles.
- 22.32 The Highways Act does not apply in Scotland but Procurators Fiscal may use common law offences of “culpable and reckless conduct” and “reckless endangerment” in situations in which the 1980 Act would be contravened in England and Wales.

# Chapter 23: Law Enforcement

23.1. This Chapter provides information about police powers to:

- search with a warrant;
- stop and search;
- require production of certificates; and
- arrest.

23.2. It goes on to set out some details of the time requirements for commencement of summary proceedings, and the powers of a court to order the cancellation of a certificate and/or the forfeiture of firearms or ammunition.

## Search with a warrant

23.3. Section 46 of the Firearms Act 1968 provides that if a justice of the peace or a magistrate, or a sheriff in Scotland, is satisfied that there is reasonable ground for suspecting that an offence under the Act (except an offence under section 22(3) of the 1968 Act or an offence relating specifically to an air weapon) has been, is being, or is about to be committed, or that, in connection with a firearm or ammunition, there is a danger to the public safety or to the peace, they may grant a search warrant authorising a constable or civilian officer:

- (a) to enter at any time premises or a place named in the warrant, if necessary by force, to search the premises or place and every person found there;
- (b) to seize and detain anything found on premises or a place, or on any person there, which they suspect of being connected with an offence, or a possible offence under the Act (other than an offence under section 22(3) of the 1968 Act or connected with air weapons) or, in connection with a firearm, imitation firearm or ammunition, there is a danger to the public safety or to the peace.

23.4. The power to seize and detain under section 46 of the 1968 Act includes a power to require information stored in any electronic form, which is accessible from the premises or place in question, to be produced in a legible and visible form which can be taken away.

## Stop and search

23.5. Section 47 of the 1968 Act gives the police various powers in connection with offences and suspected offences in a public place, or elsewhere, under sections 18(1) and (2) and 20 of the 1968 Act. A constable having reasonable cause to suspect a person of having a firearm, with or without ammunition, with them in a public place, or to be committing or about to commit, elsewhere than in a public place, offences under sections 18(1) and (2) and 20 may require the firearms or ammunition to be handed over for examination, search that person and detain them for the purpose of doing so, and, if a vehicle is involved, search the vehicle and for that purpose require the person driving or in control of it to stop it. For the purpose of exercising these powers a constable may enter any place.

- 23.6. The primary purpose of section 47(1) of the 1968 Act is to enable a constable to require the handing over of a firearm and any ammunition for their examination so that they may ascertain, for instance, whether a firearm is real or an imitation, what type of firearm it is (if this is not apparent), whether it is loaded or whether the ammunition is suitable for use in the firearm. It is, for example, an offence under section 19 of the 1968 Act, as amended by the Anti-social Behaviour Act 2003 s37(1), to have with you in a public place, without lawful authority or reasonable excuse:
- i) a loaded shotgun,
  - ii) an air weapon (whether loaded or not),
  - iii) any other firearm (whether loaded or not) together with ammunition suitable for use in that firearm, or
  - iv) an imitation firearm in a public place.
- 23.7. Thus if a constable sees a person with such a gun in a public place, although they have obvious grounds for suspecting them of having a firearm, they may well have no grounds for suspecting an offence until they have exercised the powers given by section 47(1) of the 1968 Act and examined the firearm. If the person refuses to hand over a firearm or ammunition when required to do so, they commit an offence and a power of arrest arises as explained in paragraph 23.10 below.
- 23.8. The powers to detain, search and enter in section 47 of the 1968 Act are similarly intended to enable a police officer to determine whether an offence has been committed and to take immediate and effective action. Section 47 also confers the power to require the person in question to hand over any firearms or ammunition for examination. The powers are, however, limited to certain offences under the Act and any officer using them may have to satisfy a court as to the grounds upon which they were exercised. Chief officers of police should keep careful watch on the use of these powers and satisfy themselves that they are used properly and with discretion.

## Require production of Certificates

- 23.9. Section 48 of the 1968 Act provides that a constable may demand from any person believed to be in possession of a firearm or ammunition to which section 1 of the 1968 Act applies, or of a shotgun the production of their firearm certificate, or, in the case of a shotgun, their shotgun certificate.
- 23.10. The insertion of 48(1A) by SI 1992/2823 provides that when a constable demands the production of his firearm or shotgun certificate, if he believes the person in question is in possession of a firearm or ammunition to which section 1 of this Act applies, and the person in question fails:
- (a) to produce a firearm certificate or, as the case may be, a shotgun certificate;
  - (b) to show that he is a person who, by reason of his place of residence or any other circumstances, is not entitled to be issued with a document identifying that firearm under any of the provisions which in the other member States correspond to the provisions of this Act for the issue of European firearms passes; or

- (c) to show that he is in possession of the firearm exclusively in connection with the carrying on of activities in respect of which, he or the person on whose behalf he has possession of the firearm, is recognised, for the purposes of the law of another Member State relating to firearms, as a collector of firearms or a body concerned in the cultural or historical aspects of weapons, the constable may demand from that person the production of a document which has been issued to that person in another Member State under any such corresponding provisions, identifies that firearm as a firearm to which it relates and is for the time being valid.

23.11. Section 48(2) of the 1968 Act provides a constable the power to seize weapons and ammunition in cases of non-compliance, the constable may also require the person to immediately declare his full name and address.

## Arrest

23.12. Section 50 of the 1968 Act, regarding special powers of arrest has been repealed, in respect of England and Wales, though still applies in Scotland. Section 24 of the Police and Criminal Evidence Act 1984 applies to England and Wales with regards to arrest without warrant powers for constables. In England and Wales a constable may arrest anyone without warrant who is, or he suspects is, about to, or in the act of, committing an offence.

23.13. If an offence has been committed the constable may arrest anyone without a warrant who is either guilty or whom he has reasonable grounds for suspecting them to be guilty.

23.14. The constable in question must have reasonable grounds for believing it is necessary to arrest the person in question. The reasons are:

- (a) to enable the name or address of the person in question to be ascertained
- (b) to prevent the person in question—
  - (i) causing physical injury to himself or any other person;
  - (ii) suffering physical injury;
  - (iii) causing loss of or damage to property;
  - (iv) committing an offence against public decency;
  - (v) causing an unlawful obstruction of the highway;
- (c) to protect a child or other vulnerable person from the person in question;
- (d) to allow the prompt and effective investigation of the offence or of the conduct of the person in question;
- (e) to prevent any prosecution for the offence from being hindered by the disappearance of the person in question.

23.15. Section 50 of the 1968 Act, applies to Scotland and empowers a constable to arrest without warrant:

- a) any person found on premises which they are searching under authority of a warrant under section 46 of the 1968 Act and whom they have reason to believe to be guilty of an offence relevant for the purposes of that section;
- b) any person who they suspect of committing an offence under sections 4, 5, 18, 19, 20, 21, or 47(2) of the 1968 Act (and they may enter any place for the purpose); and
- c) any person who refuses to declare their name and address when required to do so under section 48(2) of the 1968 Act, or whom they in such a case suspect of giving a false name and address or of intending to abscond.

## **Time for commencing summary proceedings**

23.16. Section 51(4) of the 1968 Act provides that, notwithstanding section 127 of the Magistrates Courts Act 1980 or section 23 of the Summary Jurisdiction (Scotland) Act 1954, summary proceedings for any offence under the Act (except section 22(3) of the 1968 Act, or any offence relating specifically to air weapons) may be instituted at any time within four years after the commission of the offence.

23.17. It should be noted though that no proceedings shall be instituted in England and Wales six months after the date of the offence, unless they are instituted by, or under the direction of, the Director of Public Prosecutions. Such cases requiring the consent of the Director of Public Prosecutions should be referred to the local Crown Prosecution Service Office (under section 1(6) of the Prosecution of Offences Act 1985 a Crown Prosecutor has all the same powers of the Director as to the institution of proceedings). The provision will be found useful in cases in which offences under the Act of a comparatively serious nature do not come to light until some time afterwards, for example, at the time that a firearm certificate falls due for renewal.

## **Forfeiture and disposal of firearms and cancellation of certificates by a convicting Court**

23.18. Section 52 of the 1968 Act sets out the circumstances in which, on conviction, a court may order the forfeiture and disposal of firearms and ammunition and cancel firearm or shotgun certificates. Power is given to a constable to seize and detain any firearm or ammunition that may be the subject of an order for forfeiture. In the event of a cancellation of a certificate, the court must notify the chief officer of police who granted the certificate. The chief officer must then, by notice in writing, require the holder to surrender the certificate, and the holder must surrender the certificate within 21 days. No order can be made on the conviction of a person for an offence under the schedule of the 1988 Act concerning museum licences for the forfeiture of any firearm and ammunition in their possession in their capacity as a museum employee (section 25(5) of the 1988 Act).

## Counting Rules for Recorded Crime

23.19. Within the Home Office counting rules for recording crime there are three principal offences relating to firearms licensing:

- (a) possessing etc. firearms or ammunition without a certificate;
- (b) possessing etc. shotgun without a certificate; and
- (c) failure to give notice in writing to the chief officer of police of transfers involving firearms.

23.20. Where offences (a) and (b) are committed, often when a certificate expires and has not been renewed, a crime report must be completed:

- (a) the day following the expiry of the certificate; or
- (b) when the offence is substantiated, that is when the certificate holder is visited by the Enquiry Officer to carry out routine renewal enquiries and it is established that the applicant was in unlawful possession of the firearms and/or ammunition after the expiry date. This option is considered the most appropriate.

# Chapter 24: Proof of Firearms

24.1 Proof is the compulsory testing of every firearm to ensure its safety before it is first offered for sale. It includes all explosive operated small arms, whether for present use or future invention adapted for the discharge of shot, bullet or other projectile. It includes pistols, revolvers, shotguns, rifles, cattle killers, line throwers, signal pistols, alarm guns and nail driving and other industrial tools. Air weapons are not included. Firearm barrels adapted to discharge a ball of a greater weight than one pound and three quarters, or a barrel of a bore exceeding 2 inches, are not included. Reproof is the similar testing of a firearm that may have fallen below standard because of alteration. This is a complex area and chief officers of police will want to consider seeking guidance from qualified gunsmiths or the proof houses mentioned below when dealing with issues around proof. The proof houses can also carry out safety tests on items not subject to statutory proof, such as cannon barrels.

24.2 There are two proof houses:

Birmingham Proof House  
Banbury Street  
Birmingham  
B5 5RH

London Proof House  
48 Commercial Road  
London  
E1 1LP

Please be aware that at the time of writing (April 2013) proof authorities are both working to implement a new Proof Act to ensure the continued safety of guns and ammunition, and compiling guidance specifically on matters relating to proofing.

For any queries relating to this, or other proof specific queries please contact the proof authorities directly.

24.3 The proving of firearms is governed by the Gun Barrel Proof Acts of 1868, 1950 and 1978 (However, note that much of the 1950 Act was repealed in 1996 by SI 1996/1576).

Under these Acts it is:

- (a) an offence to sell, exchange, expose or keep for sale, or export, or keep for exportation, or to attempt to sell, exchange or export, or to pawn or pledge, or attempt to pawn or pledge, or to take in pawn or pledge, an arm, the barrels of which are not duly proved and marked as proved (section 108 and 109 of the 1868 Act);
- (b) an offence to import into the United Kingdom small arms, the barrels of which are not duly proved and marked as proved, without giving notice in writing within seven days to either the London or Birmingham Proof House or to send such imported arms, within twenty-eight days of their arrival in the United Kingdom, to be proved at either the London or Birmingham Proof House (Section 122 of the 1868 Act).

This does not apply to any small arm imported by any person for their own personal use whilst it is in their possession. In such a case, the proof is the responsibility of the possessor.

- 24.4 For each offence committed, every person shall be liable on summary conviction to a fine, and on conviction on indictment to a fine (see Section 122 of the 1868 Act). If it should come to notice that firearms which do not bear recognised proof marks are being dealt with in any way, the fact should be communicated to the Proof Master at one of the addresses above.
- 24.5 It should be noted that the word “barrel”, as defined in Section 4 of the 1868 Act, includes the breech or any part of the arm in, from or through which all or any part of the charge would be fired. Illustrations of all the proof marks that are at present recognised in the United Kingdom may be obtained from either of the proof houses listed above. They can also provide a small booklet (“Notes on the proof of shotguns and other small arms”), at a nominal cost. This covers the law and procedure of proof, and provides examples of a broad range of proof marks.
- 24.6 Section 129 of the 1868 Act (convention proof marks) provides for the registration at the Proof Houses of Birmingham and London of the proof marks of a foreign state which has a public proof house established by law and recognised by the Permanent International Commission for the Proof of Small Arms (CIP).
- 24.7 Section 130 of the 1868 Act also provides that barrels bearing duly registered proof marks of a foreign state shall be exempt from the liability to prove. If the barrel is altered by any means except user wear and tear so that it no longer represents the proof to which it would be subject in the official proof house of the state in question, it shall cease to be exempt.

# Chapter 25: Surrender and disposal of firearms and ammunition

25.1. This chapter offers definitions of both surrender and disposal, and provides general advice to police forces on how to deal with firearms and ammunition that are handed over to them. It then goes on to look at how to handle the receipt of antiques and firearms of particular historic interest.

## Definitions

25.2. No obstacle should be placed in the way of a person who wants to surrender firearms or ammunition to the police. Surrender might suggest illegal possession although this may not always be the case. Persons anxious to dispose of firearms and ammunition should be allowed to hand them in at a police station. Disposal might suggest unwanted/unusable firearms held on certificate although it is lawful to dispose of these through an RFD and owners should be encouraged to take this course to save police resources and realise the value of their items, particularly if they are of an historic or heritage nature. Firearms should either be disposed of through the police, or to an RFD. Following the establishment of the National Ballistics Intelligence Service (NaBIS), police should ensure that recovered firearms and other ballistic items are assessed against the NaBIS submission criteria and submitted to one of the NaBIS hubs in London, Manchester, Birmingham, or Glasgow.

## General advice on receipt of firearms or ammunition

25.3. Where any firearm is handed to the police, the first priority is to ensure that it is safe. At no time should the gun be pointed in a direction where it might cause death, injury or damage if it were to discharge. All firearms should be made safe by officers or staff qualified and experienced in the handling of firearms. Whatever the individual circumstances, a receipt should be given and the occurrence recorded as “voluntary surrender of firearms and/or ammunition”. Subject to paragraph 25.6 below, a disclaimer should be signed if at all possible to facilitate lawful disposal.

25.4. Undue pressure should not be used to force a potentially financially and historically valuable item to be destroyed and care should be taken to ensure that the wishes of the person handing over the items are fully understood (see paragraphs below). Where guns are taken into the care of the police but remain the property of a certificate or permit holder, it is important that they are so stored that no damage can be caused to them and they are not destroyed without the consent of the owner. In such case, accurate records must be kept with regard to their safe-keeping.

25.5. Different considerations must necessarily apply to those cases when a person wishes to surrender a weapon in respect of which they do not have any lawful authority to possess. It is often the case that weapons may be held by people in ignorance of their illegality; they may be kept in homes where they have been overlooked or forgotten; or may have come into possession of their present owners through the death of relatives. It should be borne in mind that the estate of a deceased person retains title to any surrendered firearms and they should be disposed of in accordance with the instructions of the estate. Unless expressly authorised they should not be destroyed by the police.

- 25.6. Anyone surrendering an illegally held firearm should be questioned discreetly with a view to establishing its history but, unless circumstances exist to give serious cause for concern as to its provenance (for example, if it appears to have been stolen), the person handing it in should not be pressed. The emphasis should be on creating an environment in which people are encouraged to hand in illegally held firearms.
- 25.7. Where it appears, for example, that a person who has inherited a firearm or shotgun wishes to retain it lawfully as a certificate holder or to arrange for its sale/auction, it would be appropriate to issue them with a permit under section 7 of the 1968 Act in order to legitimise their position (see chapter 15). This is also the case where the person holding the firearm is the executor to the will of the deceased or where an application for a shotgun or firearm certificate is being made. In some cases once NABIS investigations have been completed the firearm/ammunition may be transferred to an RFD designated by the person surrendering the item(s).
- 25.8. In any instance, however, when it is believed that a serious offence involving a surrendered gun has been committed, the surrender, find or recovery should be entered onto the NaBIS database and the requisite police procedures should be followed. Any decision to prosecute will be a matter for the discretion of the chief officer of police and the Crown Prosecution Service or Procurators Fiscal.

## Firearms surrendered by RFDs or auction houses

- 25.9. Police forces are not obliged to accept firearms surrendered by registered firearms dealers who hold those firearms legally, in circumstances where the RFD has alternative available options for selling or disposing of the firearms. Firearms legislation does not expressly oblige the police to be responsible for disposing of firearms which are surrendered by RFDs or auction houses, nor does it oblige the police to cover the associated costs. In these circumstances, police force areas have discretion.

## Antiques

- 25.10. If any firearm is handed in to which section 58(2) of the 1968 Act appears to apply (that is, it appears to be an antique), it should not be refused by the police, but the person wishing to dispose of it should be informed of its status as an antique under the firearms legislation and be allowed to keep it if they wish. Section 58(2) applies to antique firearms only when they are possessed etc as a curiosity or ornament. It will be open to that person to consider retaining the antique firearm or obtaining an estimate of its value and disposing of it possibly through the trade or to a museum or reputable collection. If any antique firearm is retained, the chief officer of police should offer it to a museum, for sale via auction or to a recognised collector organisation in order to ensure the preservation of historic assets which do not pose any threat to public safety.

## Firearms of particular interest

- 25.11. Similarly, if a firearm is handed in by a firearm or shotgun certificate holder, which appears to be a historic asset or of particular interest and worthy of preservation, even though it is not an antique, it should be confirmed that the person wishing to dispose of it is aware of this possibility in case they wish to consider an alternative method of disposal. They may, for example, prefer to dispose of the firearm through a dealer, or agree to hand it over to a reputable collection. If the owner, having considered these alternatives, decides to hand it

in to the police, the chief officer of police should consider offering the firearm to a museum or recognised collectors group. If it appears that a firearm may be of value, then the owner should be advised of this, and sufficient opportunity should be afforded to allow them to have the firearm properly valued and disposed of through a dealer (it may be appropriate to issue a section 7 permit in such circumstances).

- 25.12. Occasionally, handguns covered by section 5(1)(aba) of the 1968 Act will turn up in deceased effects, possibly legally held under the exemptions provided by the 1997 Act. At other times they may have been illegally held. Either way, the police should immediately take the guns into their care, with legally held items being transferred to a section 5 registered firearms dealer or other authorised recipient. It should be borne in mind that the estate of a deceased person retains title to any surrendered firearms and they should be disposed of in accordance with the instructions of the estate. Unless expressly authorised they should not be destroyed by the police.
- 25.13. Many museums, the Ministry of Defence, the providers of forensic science services and NaBIS have an interest in certain types of firearms, for example, for court demonstration purposes, and chief officers of police should co-operate, in cases where no owner exists or can be traced, by not destroying a firearm of an unusual type until the staff of these authorities have had an opportunity to examine it. They will make arrangements direct with police forces to inspect firearms and those of interest may be handed over to an official against receipt.
- 25.14. Ammunition and its packaging may also be of interest to museums and collectors. It should therefore be inspected by independent experts from trade and museums in order to establish its heritage significance, interest and value. If it is of heritage significance, interest or value then it should be passed to museums or to the trade so that those entitled to the value can receive it.
- 25.15. Other firearms related objects handed to the police e.g. loading equipment should also be independently assessed since they may have commercial value as well as being of historic interest. If this is apparent at the time of surrender then they should be handed back and the person surrendering the objects advised to take them to a suitable dealer. This would not apply to component parts which are subject to certification.
- 25.16. All other firearms and ammunition not retained for police purposes should be recorded and destroyed. The destruction should be witnessed by more than one officer, and the records of destruction should be kept for a minimum of ten years.

# Chapter 26: Northern Ireland

26.1 Section 60(3) of the 1968 Act provides that the Act shall not extend to Northern Ireland, where the possession of firearms is subject to separate legislation (see the Firearms (Northern Ireland) Order 2004 (No. 702) (N.I.3)). This chapter provides some information about the differences and similarities between firearms controls in Northern Ireland and Great Britain. It also offers more detailed information about the movement of firearms and ammunition from England, Wales and Scotland to Northern Ireland.

## General

26.2 In Northern Ireland, unlike in Great Britain, all firearms, including shotguns, air weapons (except those with a kinetic energy of one joule or less, as stated in Schedule 1, paragraph 9 of the 2004 Order) and de-activated guns (unless they are de-activated to the 1995 Home Office standard, as updated in 2010 – see chapter 2.17) are subject to firearm certificate control and it is illegal for any person under the age of eighteen to be in possession of a firearm. In certain circumstances sixteen to eighteen year olds are permitted to possess stipulated types of firearms and ammunition for particular purposes. These particular provisions are stated within section 7 of the 2004 Order.

## Firearm Certificates

26.3 The definition of “firearm certificate” in section 57(4) of the 1968 Act specifically includes a firearm certificate granted in Northern Ireland. A firearm certificate issued in Northern Ireland is thus valid in Great Britain and, if the holder of such a certificate takes up residence in Great Britain, the certificate may be varied or revoked and the conditions subject to which it is held may be varied as if it were a certificate granted in Great Britain.

26.4 Section 15 of the 1968 Act provides that a person holding a firearm certificate issued in Northern Ireland authorising them to possess a shotgun is exempt from the provision in section 2(1) of the 1968 Act which makes it an offence to possess, purchase or acquire a shotgun without a certificate.

26.5 The period of validity of a firearm certificate issued in Northern Ireland is five years, the same as elsewhere in the United Kingdom. The proviso to section 26(3) of the 1968 Act provides that, subject to the power of a chief officer of police in Great Britain to renew for a period of five years, a certificate granted or last renewed in Northern Ireland shall not continue in force for a longer period than that for which it was so granted or last renewed. On expiry the holder should apply for a certificate to be granted by the chief officer of police in the area where they reside.

## Registered Firearms Dealers

26.6 The provision in section 57(4) of the 1968 Act in relation to a firearms dealer also covers the holder of a firearms dealer's certificate in Northern Ireland. The provisions as to firearms dealers in sections 3(1) to (5), 4(2) to (4), 8(1) and (2), and 45 of the 1968 Act and sections 6, 7(3), 13 and 18(2) to (5) of the 1988 Act apply to persons holding firearms dealers' certificates in Northern Ireland. Section 34(1) of the 1968 Act prohibits the registration in Great Britain of a person who has been prohibited from being granted a certificate by order of a court in Northern Ireland. Article 2 of the Firearms (Northern Ireland) Order 2004 (NI 3) provides that, "holder of a firearms dealer's certificate" includes a person registered under section 33 of the Firearms Act 1968 (c. 27)". Accordingly, a person registered as a dealer in Great Britain may trade in or with Northern Ireland.

## Sale, repair, test, proof, hire, gift or loan

26.7 It should be noted that the prohibitions in section 3(2) and 3(3) of the 1968 Act apply to persons within the United Kingdom, and therefore include Northern Ireland. Section 35 of the 1997 Act with regard to sales etc. of firearms and ammunition not only applies to transactions with persons in Great Britain but also to transactions with persons in Northern Ireland. However, the additional requirements of sections 32, 33 and 34 of the 1997 Act, which specifically requires that transfers take place in person, are limited to Great Britain.

## Taking firearms from Great Britain to Northern Ireland

- 26.8 The holder of either a firearm or shotgun certificate granted in England, Wales or Scotland who wishes to take a related firearm into Northern Ireland is required to provide the Chief Constable of the Police Service of Northern Ireland with such particulars of the firearm and ammunition as he may require. They must also obtain from the Chief Constable of the Police Service of Northern Ireland a Certificate of Approval (see article 17 of the 2004 Order).
- 26.9 Firearms (including air weapons) may only be taken into, possessed or used in Northern Ireland in accordance with any condition imposed on the Certificate of Approval. Certificate of Approval application forms are obtainable from the Chief Constable, Police Service of Northern Ireland, Firearms and Explosives Branch, Lisnasharragh, 42 Montgomery Road, Belfast BT6 9LD (028 9065 0222). Application for a Certificate of Approval must be made not less than one month before the proposed date of arrival in Northern Ireland. No fee is payable for a Certificate of Approval.
- 26.10 The documents required and the procedures to be followed in cases of firearms (including air weapons) taken into Northern Ireland by persons resident in Great Britain are set out in Appendix 8.
- 26.11 The Firearms (Removal to Northern Ireland) (Revocation) Order 2003 (SI 2003/3228), which came into force on 1 January 2004, revoked the Firearms (Removal to Northern Ireland) Order 1990 (SI 1990/2621) and ended the system of prior approvals for section 1 firearms and ammunition.

# Chapter 27: Visitors' Permit Procedures

27.1. This chapter sets out the legislative authority for the issue of visitors' permits, and provides guidance to chief officers of police on the requirements that need to be met for an application to be successful. It also sets out the conditions that can be added to permits, how they might be varied and the controls on visitor shotgun permit holders buying shotguns.

## Legislative provisions

- 27.2. Under section 17 of the Firearms (Amendment) Act 1988, visitors to Great Britain may, if they are granted the appropriate permit, have in their possession firearms, shotguns or ammunition without holding a certificate. Specifically, they may have:
- (a) a visitor's firearm permit which allows them to have in their possession any firearm, and purchase, acquire or have in their possession any ammunition, to which section 1 of the 1968 Act applies;
  - (b) a visitor's shotgun permit which allows them to have in their possession, purchase or acquire shotguns (subject to the restrictions on purchase and acquisition of shotguns with a magazine (see paragraphs 27.22 to 27.27 below)). By virtue of section 5(2)(b) of the 1988 Act, they are exempt from the requirement to produce a shotgun certificate when purchasing ammunition.
- 27.3. A visitors' shotgun permit is valid for use throughout Great Britain for a period of up to 12 months, and a visitors' firearm permit is also similarly valid subject to any territorial condition as to where the firearm may be used (a separate permit for each force area is not required in either case). While it is expected that the permit should only be valid for the duration of the particular visit, there might be circumstances where the police feel able to issue a pass for a longer period (and this need not be for the full 12 months). A decision will need to be taken to reflect the circumstances of each application, taking account of evidence of planned, future visits and the visitor's history and character, perhaps on previous shooting trips to this country.
- 27.4. Visitors from other European Union (EU) states must be in possession of a European Firearms Pass (EFP) in order to be issued with a visitors' firearm or shotgun permit (see Chapter 29 for more information about these passes). However, an EFP need not be produced if (see also chapter 29):
- (a) the prospective visitor is precluded by reason of residence or other circumstance from being granted an EFP by another EU state; or
  - (b) they are a recognised EU collector and the permit is required exclusively in connection with the recognised activities.

## Application

- 27.5. Applications for a visitors' firearm or shotgun permit will be made by a sponsor to the chief officer of police for the area in which the sponsor resides on the prescribed form of application (form 107) and, in the case of visitors from other EU states, must be accompanied (but see chapter 29) by the visitor's EFP, or a copy thereof. Following amendments to section 17(3A) of the 1988 Act (SI 2011/2175) copies of the EFP are acceptable in applying for a British Visitor's Permit.
- 27.6. The sponsor may be:
- (a) a private individual; or
  - (b) the representative of, for example, a club, shooting syndicate, country estate or national shooting organisation.
- 27.7. Where the sponsor is a private individual or represents a local shooting organisation, the usual checks should be made as to their bona fides in the same way as for a certificate applicant. Although in most cases private sponsors will themselves be firearm or shotgun certificate holders, this need not necessarily be the case. Particular attention will need to be paid to security arrangements.
- 27.8. Section 17(7) of the 1988 Act provides for a group application to be made for up to twenty permits for persons specified in the application. In addition to fulfilling the criteria outlined in paragraphs 27.10 and 27.11, the chief officer of police must be satisfied that the persons specified in such an application are genuinely part of a group who propose to use the firearms in question either for sporting purposes on the same private premises during the same period, or to participate in the same competition or event, or series of competitions or events. Where six or more permits are issued on the basis of a group application, a reduced fee is payable.

## Consideration of application

- 27.9. The criteria for the grant of a visitors' permit are set out in sections 17(2) and (3) of the 1988 Act.
- 27.10. Chief officers of police must not grant a permit to any person in respect of whom they have reason to believe:
- (a) that their possession of the weapons or ammunition in question would represent a danger to the public safety or to the peace; or
  - (b) that they are prohibited by the 1968 Act from possessing them (for example, a person to whom section 21 of the 1968 Act applies). Convictions outside of the UK do not count towards this statutory prohibition but will be relevant to (a).
- 27.11. If the grant of a permit is not precluded on the above grounds, chief officers of police must satisfy themselves that:
- (a) the applicant is visiting or intends to visit Great Britain; and either

- (b) in the case of a visitor's firearm permit, the applicant has a good reason for having each firearm and the ammunition to which the permit relates in their possession, or, as respects ammunition, for purchasing or acquiring it, while they are a visitor to Great Britain; or
- (c) in the case of a visitor's shotgun permit, that the applicant has a good reason for having each shotgun to which the permit relates in their possession, or for purchasing or acquiring it, while they are a visitor to Great Britain (and where the applicant wishes to purchase or acquire a shotgun with a magazine, that they satisfy the criteria listed at paragraphs 27.22 to 27.27 below). A shotgun with a magazine means a shotgun which has a non-detachable magazine incapable of holding more than two shots, in accordance with section 1(3)(a) of the 1968 Act (as amended).

27.12. The information required to reach a decision on an application will be supplied by the sponsor, to whom all enquiries should be directed. Generally, it will be neither practicable nor appropriate to make detailed enquiries into a visitor's fitness to hold a firearm. It will normally be sufficient to see a copy of any current firearm certificate, hunting licence or membership card of a shooting organisation issued to an applicant in their own country. The EFP must be submitted if the visitor is resident in another EU state; copies of the EFP are acceptable. The verification by the sponsor of the event, if any, to be attended will normally enable the chief officer of police to be satisfied as to the applicant's good reason.

27.13. Applicants who wish to purchase a shotgun should similarly be able to provide a good reason for the purchase or acquisition of each gun, for example evidence of the event or events at which it is to be used. Application to purchase a shotgun should be made on the original application for a permit, using the space provided on the form. Applicants who wish to purchase a shotgun but who do not intend to use it in Great Britain should be directed to take advantage of section 18 of the 1988 Act. This provision allows persons to purchase a firearm from a registered firearms dealer if that person has not been in Great Britain for more than 30 days in total in the preceding 12 months and the firearm is purchased for the purpose only of being exported without first coming into that person's possession. If a person wishes to purchase a shotgun and take it with them from Great Britain they will need to obtain a visitor's shotgun permit.

## Permit conditions

27.14. Under section 17(4) of the 1988 Act the chief officer of police has the power to attach conditions to a visitors' permit. Under section 17(5), the chief officer has the power to vary, by a notice in writing, any condition of the permit. However, there is no power to impose or vary a condition so as to restrict the premises where a shotgun may be used.

27.15. In considering what sort of conditions should be attached, it is necessary to have regard to both the purpose and the proposed duration of the visit. Chief officers of police will want to consider the following:

- (a) It is recommended that all permits should contain conditions (i) to (v) set out in Appendix 9. However, it is important that all cases are considered on their merits with additional conditions added as appropriate (see below). A permit may be valid for up to 12 months, but the validity should normally relate to the duration of the proposed visit (but see paragraph 27.3);

- (b) Where an applicant for a visitor's firearm permit is coming to shoot in a particular competition or event, the permit should normally make reference to the specific competition(s) or event(s) in respect of which it has been granted as in condition (vi). Where, however, the permit is sought for other sporting purposes such as deerstalking, game shooting or wild fowling, the type of condition will necessarily be dependent upon the locations specified by the sponsor in the application;
- (c) Where the permit is required for one or more specified locations (these may in some cases be in other force areas) condition (vii) in Appendix 9 would be appropriate;
- (d) Where the circumstances of the application merit a more open approach, condition (viii) should be imposed;
- (e) Where a visitor also wishes to purchase a shotgun or shotguns for shooting in Great Britain, condition (ix) should be imposed to require the permit holder to notify details of purchase to the police and to enter the details of each such shotgun in the appropriate part of the permit.

27.16. A visitors' firearm permit must specify the number and description of the firearms to which it relates, including their identification numbers, and give details of the quantities of ammunition authorised to be purchased or acquired, and to be held at any one time. A visitors' shotgun permit must specify the number and description of the shotguns to which it relates, including, if known, their identification numbers. It should be established at time of application whether a sound moderator is to be included as an accessory to any firearm to be imported. If this is the case then all sound moderators should be specified on the permit.

## Variation of conditions

27.17. Section 17(5) of the 1988 Act empowers the chief officer of police to vary the conditions attached to a permit. A request for variation, which must be made on a new application form, will most usually occur where a visitor has subsequently been invited to participate in some other competition or event. In such circumstances a variation may normally be granted on confirmation of the event to be attended, provided that there has been no material change in the applicant's circumstances and that they still qualify under paragraphs 27.10 and 27.11 above. If the event is to take place after the expiry date of the existing permit, it will be necessary for a fresh application for a new permit to be made.

## Processing late applications

27.18. Applications should be made at least six weeks prior to arrival in the UK. Inevitably, some applications will be made close to the date on which the applicant wishes to come to this country, for example because of illness, a change in family or business circumstances or as a late addition or change to a group application. In such cases, while it cannot be guaranteed that all applications will be processed in time, every effort should be made to try and achieve this. Similarly, it may be necessary to issue amended permits at short notice to cater for unavoidable last-minute changes to guns (for example because of breakage) which visitors are authorised to bring with them (see also paragraph 27.17).

## Notification of refusal

27.19. There is no right of appeal against a refusal to grant a visitors' permit. Notification of refusal, giving the reasons for the decision, should be sent by letter to the sponsor. Where a refusal is issued it is particularly important that notification should be sent in good time, in order to avoid the applicant incurring unnecessary travel costs.

## Dispatch of permits

27.20. The completed permit should be sent to the sponsor who will forward it to the visitor in their country of origin for presentation to the Border Force on arrival in this country. The visitors' permit will be accepted in lieu of an import licence issued by the Department for Business, Innovation and Skills (BIS). A visitor must carry their permit with them on leaving the country for presentation to the Border Force at the point of departure. An export licence would only be required for onward destinations not covered by the firearms personal effects exception in the Export of Goods (Control) Order (EG(C)O), that is those countries subject to arms embargoes. In some cases, the permit will be valid for further visits. EU visitors need not declare their firearms to the Border Force on arrival from, or departure to, another Member State, but must produce their EFP, in which details of their visitor's permit have been entered, to a Border Force Officer if asked to do so. Failure to produce the Permit or the EFP would render the goods liable to detention or seizure.

## Diplomats and royal visitors

27.21. Members of the Diplomatic Corps in London are not visitors and the normal considerations for the grant of a firearm or shotgun certificate apply (see also chapter 10). Visiting diplomats and foreign dignitaries are, however, eligible for the grant of visitors' permits subject to the normal requirements of section 17 of the 1988 Act being met.

## Controls on visitors' permit holders buying shotguns in Great Britain

27.22. Section 17(1A) of the 1988 Act contains restrictions on the purchase and acquisition of certain shotguns by the holder of a visitor's shotgun permit. The restrictions only apply to transactions involving shotguns with a magazine. Single-shot shotguns are not subject to these restrictions. A single-shot shotgun means any shotgun which can fire only one shot from each barrel without reloading. Single-barrelled single-shot shotguns, double-barrelled shotguns and multi-barrelled shotguns which have no magazine fall within this definition.

27.23. The purpose of this provision is to ensure that no visitor can purchase or acquire a shotgun with a magazine in Great Britain to take to another EU state without holding a licence granted by BIS to remove the gun from Great Britain to that other state. It is also to ensure that the authorities in the visitor's own state of residence are informed of the purchase or acquisition.

27.24. A visitors' shotgun permit shall not authorise the purchase or acquisition of a shotgun with a magazine unless one of four requirements are met, namely that:-

- (a) the permit holder has a licence issued by BIS to remove the gun from Great Britain; or
- (b) the gun will be exported outside the EU without being first taken to another EU state; or

- (c) the terms of acquisition restrict the permit holder's possession of the gun to the whole or part of their stay in Great Britain and prevent its removal from Great Britain; or
- (d) the gun is purchased or acquired by a recognised EU collector and the gun is acquired exclusively in connection with the recognised activities of such collectors.

27.25. The onus is on permit holders to show vendors or transferors that they satisfy one of the four requirements. If none of the requirements are met, and the transaction takes place, permit holders will be committing an offence under section 2 of the Firearms Act 1968 and the vendors or transferors an offence under section 3(2) of that Act.

27.26. Any transaction with a permit holder who cannot show that they reside outside the EU, and in respect of which sub-paragraph (a) or (b) above applies, must be notified to the chief officer of police who issued the visitors' shotgun permit. The notice of transaction must be sent within 48 hours of the transaction by recorded or special delivery and must contain a description of the shotgun (including the identification number if any). It must also state the nature of the transaction (giving the permit holder's name and address in their state of residence and the number and place of issue of their passport if any) and the particulars of any licence issued by BIS authorising the removal of the shotgun from Great Britain.

27.27. The notifications received by chief officers of police must be passed immediately to the Home Office for transmission to the permit holder's state of residence via the Weapons Information Exchange System.

# Chapter 28: Import and export of firearms and ammunition

28.1 This chapter provides information about import and export licensing requirements for firearms and ammunition. Details are provided for both transfers between European Union (EU) nations and to and from the United Kingdom and non-EU countries. The acronym EC is used in this chapter only where it relates to specific Directives or forms that make use of the term.

## Contact points

28.2 The Department for Business, Innovation and Skills (BIS) is responsible for these arrangements. Their contact details for enquiries are:

### Imports

Import Licensing Branch (ILB)  
BIS  
E-mail: [enquiries.ilb@bis.gsi.gov.uk](mailto:enquiries.ilb@bis.gsi.gov.uk)

### Exports

Export Control Organisation (ECO)  
BIS  
3rd Floor, 1 Victoria Street  
London SW1H 0ET  
Tel: 020 7215 4594  
Fax: 020 7215 2635  
Email: [eco.help@bis.gsi.gov.uk](mailto:eco.help@bis.gsi.gov.uk)

## Transfers to and from other European Union (EU) nations

28.3 The Weapons Directive 91/477/EEC (as amended by Directive 2008/51/EC) introduced harmonised minimum community arrangements for licensing certain firearms movements between EU Member States. Similar provisions for ammunition were introduced by the Explosives Directive (93/15/EEC), which was transposed into UK law by SI 1993/2714. To move firearms and ammunition from one EU Member State to another, a transfer licence must be obtained from the exporting EU Member State. EU Member States can insist that certain types of firearms are not transferred to their territory without their prior agreement (in the UK this means that an import licence can be required).

28.4 These arrangements apply to all transfers of firearms including mail order sales or where an individual buys or permanently acquires a firearm in another EU Member State and wants to bring it back to their State of residence. They do not apply where individuals take their firearms temporarily to another EU State on the basis of a European Firearms Pass, for example for a shooting trip or competition. Residents of a Member State other than the UK also require a British visitors' permit.

28.5 The Directive does not apply to the acquisition and or possession of weapons and ammunition, in accordance with national law, by the armed forces, the police, public authorities or by collectors and bodies concerned with the cultural and historical aspects of weapons and recognised as such. Nor does it apply to commercial transfers of weapons and ammunition of war. In these instances, normal import and export licensing arrangements will still apply unless the items are property of the Crown whereby the Crown also holds right to disposal at the time of import and export.

Those weapons which are controlled under the Firearms Acts but which do not fall within the Directive's definition of firearms, for example stun guns and CS gas canisters, are subject to import and export licensing arrangements.

28.6 Detailed arrangements for the import and export of firearms and ammunition are as follows:

## Transferring firearms from another EU state to the UK

28.7 Firearms, shotguns, component parts and ammunition falling to section 1 and section 2 of the 1968 Act may be transferred to the UK from other EU States whether on a commercial or private basis providing:

- (i) you have a transfer licence issued by the exporting EU state; and
- (ii) the transfer licence (or a document referring to it) accompanies the firearms at all times until they reach their UK destination and can be produced on demand to a Police or Border Force officer; and
- (iii) you are a registered firearms dealer or a firearm or shotgun certificate holder authorised under the 1968 Act to possess the firearms in question, unless you are otherwise exempt from the need to hold a certificate.

BIS import licensing must be contacted prior to shipping, if a transfer licence (28.7i) has not been issued by the exporting EU state.

28.8 Only registered firearms dealers can use open transfer licences issued by the exporting EU state. The document accompanying the consignment should contain a declaration by the registered firearms dealer giving details of their open transfer licence, the transferor and the firearms in the consignment.

28.9 Weapons and ammunition falling within section 5 of the 1968 Act, may be transferred to the UK providing:

- (i) You have a transfer licence issued by the exporting EU state, and
- (ii) You have an import licence issued by the Import Licensing Branch (ILB), and
- (iii) the transfer licence (or a document referring to it) accompanies the firearms at all times until they reach their UK destination and can be produced on demand to a Police or Border Force officer; and
- (iv) you are a registered firearms dealer authorised under the 1968 Act to possess the firearms in question.

## Northern Ireland and the Isle of Man

28.10 Although most small firearms (handguns) are classed as prohibited weapons within section 5 of the 1968 Act in mainland Britain, this is not the case in Northern Ireland or the Isle of Man. See 28.7 for details of the requirements for transfers of handguns directly from other EU Member States into Northern Ireland and the Isle of Man. If any part of the journey is through Great Britain this can only be conducted by a carrier authorised to carry prohibited firearms under section 5 of the 1968 Act.

## Deactivated Firearms

28.11 Commission Implementing Regulation (EU) 2015/2403 introduced EU-wide standards for deactivated firearms and an EU Deactivation Certificate. To ensure that deactivated firearms are compliant with this legislation, from 8th April 2016, an import licence will be required for the import or transfer into the UK of a deactivated firearm. There is no exemption from the need for an import licence for deactivated firearms manufactured on or before 31 December 1899. An import licence will be required for each shipment along with a transfer licence issued by the exporting Member State. The only acceptable proof that a firearm is deactivated is an EU Deactivation Certificate. No other Deactivation Certificate will be accepted.

28.12 Re-enactors will be able to apply for a three year import licence provided you have the new EU Certificate of deactivation and are a member of a re-enactment society when you attend the overseas re-enactment event. Separate import licences will be required for EU and non-EU events.

## Applying for an import licence and help

28.13 Applications for deactivated firearms import licences can be made at [www.ilb.bis.gov.uk](http://www.ilb.bis.gov.uk). Guidance on registering and applying can be found on the front screen. If you are in any doubt or require further clarification on the need for an import licence, please email us at [enquiries.ilb@bis.gsi.gov.uk](mailto:enquiries.ilb@bis.gsi.gov.uk).

## Exports to other EU nations

28.14 Export licences (open or specific) are issued by BIS. An open licence can be granted to a dealer, valid for up to three years, allowing them to transfer firearms to dealers in other EU States without needing a specific licence for each consignment. But if the firearms are of a type for which the receiving EU State has indicated that its prior consent is required this must be obtained before they are transferred and before a specific licence can be issued. The open licence can only be used where both parties to the transaction are firearms dealers. Where a specific licence is issued it must accompany the consignment at all times. Consignments made under open licence must be accompanied by a document (EC5) giving details of the licence, the transferee, and the firearms.

28.15 Any visitor who, by virtue of holding a visitors' shotgun permit (as per section 17(1) of the 1988 Act), purchases a shotgun in Great Britain to take back to another EU State must obtain a transfer licence before removing the gun from the UK (assuming that the exceptions in the Export Control Order 2008, as amended, do not apply). Where the shotgun has a magazine, the licence must be obtained before the purchase is made.

- 28.16 Particularly valuable firearms over 50 years old will often require an additional individual export licence, issued by the Arts Council England, to travel to any destination (both EU and non-EU nations). The criteria are set out below. Less valuable firearms over 50 years old may be moved under the terms of an Open General Export licence (details can be obtained from Arts Council England). Firearms that always require an individual export licence are those:
- a) between 50 and 100 years old which are valued in excess of £43,530 (outside the EC) and £65,000 (within the EC)
  - b) over 100 years old that are valued in excess of £35,000 (either outside or within the EC)
- 28.17 Applications for the additional individual export licences for these older firearms are considered by the Arts Council of England. If a firearm has been imported into the UK in the last 50 years, and proof of this is included with the export licence application, the licence is normally granted. All export licence applications for firearms which have been in the UK for more than 50 years, are referred to an Expert Adviser who would then consider the application under the “Waverley Criteria”, before deciding whether an export licence should be granted. For more information on the “Waverley Criteria” please visit the Arts Council website. A licence for a firearm will be objected to, and referred to the Reviewing Committee on the Export of Works of Art, if it is considered to meet one or more of the “Waverley Criteria”.

## **Weapons Information Exchange System (WIES)**

- 28.18 EU licensing arrangements are supplemented by the WIES (see chapter 29). Each time a transfer of firearms and/or ammunition takes place under a transfer licence, full details of the transfer must be notified via the WIES, both to the EU State to which the consignment is being transferred and to any EU State(s) through which it will pass in transit, by the EU State which issues the licence.
- 28.19 In the case of transfers under the open “dealer to dealer” system the dealer transferring the firearms/ammunition must declare this to their own designated national authority each time a consignment is transferred to another EU State. The national authority must then transmit this information to any EU States of transit, and to the EU State of destination, using a form corresponding to WIES 3.
- 28.20 Any notifications received about commercial movements of firearms to, or through, the UK will be passed by the Home Office to the Border Police Command of the National Crime Agency. Those relating to the transfer of firearms/ammunition to a private individual in the UK will be passed to both the Border Police Command of the National Crime Agency and to the police force in which that individual resides.

## **United Kingdom imports and exports from and to non-European Union (EU) nations**

- 28.21 Detailed arrangements for the import and export of firearms and ammunition are as follows:

### **Imports from non-EU nations**

- 28.22 The following items are subject to BIS import licensing requirements if consigned from outside of the EU or from the Channel Islands:

- (i) lethal firearms, including any lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged and other weapons of whatever description designed or adapted for the discharge of any noxious liquid, gas or other thing;
- (ii) deactivated firearms irrespective of their age, see 28.11 to 28.13;
- (iii) component parts (other than wooden gun stocks) of any such firearms or other weapons and any accessory to any such firearm or other weapon designed or adapted to diminish the noise or flash caused by firing the weapon;
- (iv) ammunition including grenades, bombs, and other like missiles, and any ammunition containing or designed or adapted to contain any noxious liquid, gas or other thing.

28.23 The above include firearms which are serviceable and those which are not, replica firearms capable of being fired or which can be readily converted so that they are capable of being fired, gas pistols, aerosol gas sprays and similar weapons.

28.24 Normally, an import licence is not required to import the following but from time to time such goods may be subject to licensing control:

- (i) cartridges for smooth-bore guns containing five or more shot, none of which exceeds 0.36 inch (9 mm) in diameter;
- (ii) blank cartridges not exceeding one inch (25.4 mm) in diameter;
- (iii) air weapons or weapons powered by compressed carbon dioxide not declared to be “specially dangerous” under the Firearms (Dangerous Air Weapons) Rules 1969;
- (iv) ammunition for air guns, air rifles or air pistols;
- (v) articles manufactured in 1899 or earlier except for deactivated firearms;
- (vi) any item not classified to chapters 93 or 97 of the HM Revenue and Customs Integrated Tariff including vehicles, ships and aircraft incorporating a firearm.
- (vii) any component of ammunition.

28.25 It should be noted that (iii) and (iv) are not exempt from licensing if imported into Northern Ireland. Moreover, although articles at (v) do not require an import licence, the guidelines chapter 2 are relevant in determining whether a firearm should be regarded as “antique” for the purpose of the firearms legislation.

28.26 Commercial imports of firearms, component parts and ammunition require an individual import licence. Applications for import licences should be made on the ICMS system at **[www.ilb.bis.gov.uk](http://www.ilb.bis.gov.uk)**.

28.27 As a concession for personal non-commercial import of privately owned firearms, shotguns and ammunition the following documents are accepted by HM Border Force in lieu of import licences:

- (i) valid United Kingdom firearm or shotgun certificates;
- (ii) visitors' firearm or shotgun permits.

28.28 The firearms, shotguns or ammunition must be freely declared to Border Force upon importation. Firearms made on or after 1st January 1900 may only be imported with a BIS import licence or, for personal imports, a valid firearm or shotgun certificate or a visitors' firearm or shotgun permit.

The requirement for a BIS import licence for any firearm made on or after 1 January 1900, also applies to firearms that are considered to be curios, ornaments and obsolete calibre firearms (which historically have not needed an import licence).

Any firearm made on or before 31 December 1899 that is not deactivated is considered exempt from import controls and does not require an import licence to import it into the United Kingdom. There is however, still a requirement for the holder to be in possession of a valid shotgun or firearm certificate in order to possess the firearm where the possession of such a certificate is necessary.

28.29 It should be noted that the Placing on the Market and Supervision of Transfer of Explosives Regulation (POMSTER) removed the requirement for an import licence to import explosives. The importation of explosives is though still prohibited unless accompanied by a transfer document (or a certified true copy) known as a Recipient Competent Authority (RCA) document issued by the Health and Safety Executive (HSE). More details can be found on the HSE website at the following address: <http://www.hse.gov.uk/explosives/transfer-of-explosives.htm>. There is some overlap between ammunition controlled by BIS and the HSE, and where this is the case both sets of documents are required.

## Exports to non-EU nations

28.30 Firearms, shotguns, component parts for firearms or shotguns, and ammunition are subject to export control and in general require a licence for export to any destination.

28.31 Export licences are not usually required in the following circumstance. Holders of valid firearm or shotgun certificates or visitors' firearm or shotgun permits may take abroad with them, or have sent, as part of their personal effects, without an export licence, any firearms, shotguns or related ammunition entered on the certificates if the certificates are presented by the holder, or their duly authorised agent, with the firearms and ammunition to the officer of the Border Force at the place of exportation. The exception also includes telescopic sights.

28.32 From time to time this exemption will not apply to firearms consigned to certain destinations. Further details on the UK export control licensing system, including guidance on the export of firearms, may be obtained from the GOV UK website, <https://www.gov.uk/> prior to export. See the specific link to BIS firearms guidance at <https://www.gov.uk/firearms-and-export-control-forms>.

28.33 Applications for export licences must be made to BIS via the SPIRE system and must be accompanied by the applicant's firearm or shotgun certificate or, in the case of a registered firearms dealer, a copy of the dealer's certificate or section 5 authority only if appropriate. See also paragraphs 28.14 and 28.15 about the export of valuable, older firearms.

# Chapter 29: EC directive on control of the acquisition and possession of firearms

- 29.1 This chapter sets out the background to the EC Weapons Directive (91/477/EEC). It should be noted that the 1991 Directive was amended by the 2008 Directive (2008/51/EC), amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons. In particular it prescribes the complete marking of firearms as well as computerised record keeping systems for firearms for a minimum of twenty years.
- 29.2 This chapter focuses in more detail on three main areas of the directive:
- (a) the European Firearms Pass (EFP) (including issue to British residents and its use in Britain by people from other European Union (EU) nations);
  - (b) the purchase of firearms and ammunition by EU residents, within the EU (including the issue of Article 7 authorities); and
  - (c) the exchange of information between EU nations and obligations that this places on both the Home Office and the police.
- 29.3 The EC Weapons Directive also applies to Northern Ireland as part of the United Kingdom, but not the Isle of Man or the Channel Islands. The acronym EC is used in this Chapter only where it relates to specific Directives or documents that make use of the term.

## The Directive

- 29.4 A Directive on the control of the acquisition and possession of weapons was adopted by the Council of Ministers in June 1991. Member States were required to implement it by 1 January 1993. The UK implemented the Directive's requirements on time (by means of The Firearms Act (Amendment) Regulations 1992 S.I. 1992/2823 in Great Britain).
- 29.5 The Directive's provisions compensate for the relaxation of systematic border controls in line with the Single Market. The compensatory measures prescribed are:
- (a) partial harmonisation to minimum standards of EU states' firearms controls. The Directive classified firearms and ammunition into four categories – A to D – and set minimum criteria for the control of each category. The categories are set out in Appendix 10;
  - (b) introduction of the European Firearms Pass (EFP) for individuals wishing to take firearms to other EU states, and of the Article 7 authority for those wishing to acquire or possess a category B firearm in another EU state;
  - (c) a harmonised community licensing system for commercial and permanent firearms movements (that is, imports/exports); and

- (d) a Weapons Information Exchange System (WIES) under which a state is to be notified of every commercial/permanent transfer of firearms to its territory from another EU state and the acquisition/possession of firearms by one of its residents in another EU state.

## The European Firearms Pass (EFP)

### Issue to residents of Great Britain

- 29.6 The EFP acts as a form of passport for firearms (in a format agreed by the Member States) and is designed for use by shooters travelling with their firearms throughout the EU. EFPs are issued by the Member State of residence. Chief officers of police are responsible for the issue of EFPs to residents of Great Britain and only firearm and shotgun certificate holders are entitled to an EFP. Chief officers cannot refuse to issue an EFP to the holder of a valid firearm and/or shotgun certificate in respect of the possessed firearms or shotguns entered on that certificate. EFPs should only be issued to those who request them. No fee is chargeable for the issue of an EFP. An EFP will only include the firearms and/or shotguns which the applicant applies to have included in it, but can only include those firearms and/or shotguns which the applicant is authorised to possess under domestic law by virtue of a valid firearm or shotgun certificate. The provisions on the EFP appear in section 32A-C of the Firearms Act 1968.
- 29.7 EFPs are issued in the same format by all Member States to make it easy for an EFP issued by one state to be recognised by Customs and police officers in others. Supplies of the EFP are available from The Stationery Office. Forces may produce their own EFPs if they wish but the lay-out, format or content must not vary in any way from the agreed format and must incorporate the EC Weapons Directive logo.
- 29.8 For each firearm included, the EFP must specify which category of the Directive the firearm falls under (see Appendix 10). It must also give details, in respect of each firearm, of any EU state which requires the EFP holder to obtain its authorisation before taking the firearm there, or which prohibits altogether the acquisition or possession of such a firearm in its territory.
- 29.9 Application for an EFP may be made at any time, including at the time of application for the renewal of a firearm and/or shotgun certificate. Where a person already holds a shotgun certificate and an EFP in respect of that certificate, and is then granted a firearm certificate, they are entitled to an extension of the EFP to include only the possessed firearms on their firearm certificate and vice versa.
- 29.10 The application process should be as simple and easy as possible and a telephone request for an EFP by an existing certificate holder should normally be acceptable. Applicants must give details of the firearms which they want entered on the EFP and should be asked to provide a photograph, or authorise the use of one already supplied with the application for the grant or renewal of the respective firearms or shotgun certificate, for inclusion on it. However, there is no statutory obligation on an applicant to provide a photograph for this purpose. If the applicant refuses to supply one, the EFP should still be issued without a photograph on it. A written entry should be made in the space for the photograph on the EFP to the effect that the holder did not supply a photograph and the police stamp affixed for security purposes.

- 29.11 No investigation should be made into an application for an EFP other than to check that the applicant holds a valid firearm and/or shotgun certificate in respect of the firearms to be included in the EFP or, in the case of an applicant for the grant or renewal of a certificate, will hold such a certificate.
- 29.12 The EFP should be valid until either of the following, whichever is shortest:
- a) the earliest time when a certificate relating to a firearm identified in the pass expires; or
  - b) the maximum period for the duration of that pass,
- 29.13 The maximum period for the duration of an EFP is five years. Records of all EFPs issued should be kept in the normal way for a minimum of five years.

## Renewals and variations of EFPs

- 29.14 An EFP can be renewed at the same time as a firearm or shotgun certificate is renewed. If the EFP holder has both a firearm and a shotgun certificate which are not coterminous, the EFP should only be renewed for the same period as the certificate which expires first. Where an EFP includes firearms entered on both a firearm and a shotgun certificate, and one of the certificates expires and is not renewed, the EFP will also expire. The EFP holder can apply to have the EFP renewed for the firearms held on the certificate which is still valid, but the firearms covered by the certificate which has expired must be deleted from the EFP.
- 29.15 If an EFP expires and the holder does not apply for it to be renewed, the chief officer of police for the area where the holder resides should send a notice to the holder requiring the EFP to be surrendered within 21 days. It is an offence for the holder not to comply with such a notice.
- 29.16 If an EFP holder's firearm certificate is varied by deletion of a firearm which is also entered on the EFP the chief officer of police for the area where the holder resides should send a notice to the holder requiring the EFP to be produced within 21 days for amendment. Similarly if a chief officer is notified that a shotgun certificate holder has disposed of a shotgun which is listed on their EFP, the chief officer must send the EFP holder a notice requiring the EFP to be produced within 21 days for that shotgun to be deleted from it. It is an offence for the EFP holder not to comply with such notice.
- 29.17 If an EFP holder wants to have an additional firearm included in their EFP, they must apply to the chief officer of police for the area in which they reside to have the firearm added.
- 29.18 Where a firearm identified in an EFP is lost or stolen, the EFP holder must report the loss or theft to the chief officer of police immediately and produce their EFP for amendment. It is an offence for the EFP holder not to do so. If the firearm is subsequently returned to the EFP holder the chief officer can endorse the EFP accordingly.

## Amendments to EFPs covering other EU states' requirements

- 29.19 The EFP requires chief officers of police to enter details, in respect of each firearm identified in the EFP, of any EU state which prohibits that type of weapon or which makes its possession subject to prior authorisation. There has been difficulty in obtaining comprehensive information from other Member States in this respect. Where chief officers

are aware of the requirements in other Member States, these details can be included in the EFP. Where such information is not available, chief officers should advise applicants who wish to take their firearms to another Member State to contact the authorities of that state to confirm whether prior authorisation is needed.

## Revocation and cancellation of EFPs

29.20 Where a firearm or shotgun certificate is revoked, or cancelled by a court order, and the certificate holder also holds an EFP, the chief officer of police should send the EFP holder a notice requiring the EFP to be surrendered within 21 days. It is an offence for the EFP holder not to comply with such notice.

## Use of EFPs by nationals of other EU states

29.21 All EU visitors to the UK require a visitors' permit as per section 17 of the Firearms (Amendment) Act 1988. A visitors' permit cannot be granted unless there is first produced a valid EFP (or a copy thereof as per S.I. 2011/2175) issued by the authorities of another EU state to that visitor in respect of the firearm(s) to be covered by the permit. However, an EFP need not be produced if:

- (a) the prospective visitor is precluded by reason of residence or other circumstance from being granted an EFP by another EU state; or
- (b) they are a recognised EU collector and the permit is required exclusively in connection with the recognised activities of such collectors.

29.22 An EU visitor may not possess an EFP for a particular weapon, for example a muzzle-loading weapon, because the legislation in their state of residence does not regard the weapon as a firearm. In such cases, the applicant for the visitor's permit should be able to provide satisfactory evidence of why the prospective visitor does not hold an EFP.

29.23 Subject to these exceptions, chief officers of police must ensure that, when considering any application for a visitor's permit made on behalf of an EU resident, an EFP (or copy thereof) is produced and that it covers the firearms in respect of which the permit is being applied for.

29.24 Once it has been decided to grant a visitors' permit, an entry should be made on the EFP (or copy thereof) giving the visitor's permit number and its period of validity and indicating that it authorises the possession of specified firearms in Great Britain.

29.25 EU residents will need their EFPs to travel between other Member States, and to obtain prior authorisations from the authorities of other EU states, and every effort should therefore be made to return an original EFP to the visitor's sponsor or representative as quickly as possible.

29.26 An EU visitor who is not exempt from the requirement to have an EFP or visitors' permit should have it with them during any visit to Great Britain. Under section 48 of the 1968 Act a constable may demand production of an EFP from a person whom they believe to be in possession of a firearm and who fails:

- (a) to produce a firearm or shotgun certificate; or
- (b) to show that they are not entitled, by reason of residence or other circumstances, to an EFP; or
- (c) to show that they are a recognised EU collector who is in possession of the firearm exclusively in connection with the recognised activities of such collectors.

29.27 It is an offence for a person to fail to comply with a constable's demand in such circumstances.

## Purchase of firearms and ammunition by EU residents, within the EU

### Residents of Great Britain – purchase of category B firearms in other EU states (Article 7 authorities)

- 29.28 Any EU resident who wants to buy or acquire a category B firearm (see Appendix 10) in another EU state must, unless they are exempt under the Directive, be able to show that they have the agreement of the authorities of their state of residence to purchase or acquire. Residents of Great Britain wishing to buy or acquire a category B firearm, or ammunition for such a firearm, in the territory of another EU state will have to obtain this agreement from the local chief officer of police for the area in which they reside. This agreement is called an "Article 7 authority".
- 29.29 Authorities are issued in different circumstances depending on whether the applicant has a valid firearm certificate and whether the firearm or ammunition is to be brought back to the UK. No fee is chargeable for an Article 7 authority.
- 29.30 If the purchaser wants to bring the firearm or ammunition back to the UK, an Article 7 authority can only be issued for a firearm or ammunition which the applicant is authorised to acquire by their firearm certificate. An Article 7 authority can be issued to such a firearm certificate holder at the time their certificate is granted or at any time while the certificate is in force.
- 29.31 An Article 7 authority can also be granted to a person who wants to buy or acquire a category B firearm, or ammunition for such a firearm, in another EU state but who does not hold a firearm certificate or whose firearm certificate does not authorise the purchase or acquisition of the firearm or ammunition which is to be purchased or acquired if that person satisfies the chief officer of police for the area where he resides that he is not proposing to bring that firearm or ammunition into the United Kingdom. This means that non-certificate holders can be given an Article 7 authority to buy or acquire a category B firearm and ammunition in another EU state if the chief officer thinks fit. It also means that an Article 7 authority can, if the chief officer thinks fit, be issued to both certificate and non-certificate holders to buy or acquire, in another EU state, category B firearms and ammunition which they would not be allowed to possess in Great Britain.
- 29.32 A common form of document is used by EU states for this purpose. The Stationery Office produce stocks, but forces who have printing facilities can produce their own provided that they do not depart from the agreed EU form.
- 29.33 No restriction should be placed on where the firearm(s) to which the Article 7 authority relates may be purchased or acquired. Forces should in all cases enter the words "Any EU state" in section 3 of the Article 7 authority. Where an Article 7 authority is issued in

circumstances where the firearm(s) or ammunition to which the authority relates is not to be brought into the UK, the chief officer of police should enter the following statement in section 4 of the Article 7 authority:

**“Note: A firearm or ammunition to which this authority relates must not be brought into the United Kingdom”.**

- 29.34 If the firearm certificate of an Article 7 authority holder is varied, and the variation affects the Article 7 authority, the chief officer of police for the area where the holder resides should send the holder a notice requiring the authority to be produced within 21 days to be varied or cancelled, as the case may be. Similarly, if a firearm certificate is revoked or cancelled and the holder has an Article 7 authority in respect of a firearm covered by the certificate, the chief officer should send the holder a notice requiring the authority to be surrendered for cancellation within 21 days.
- 29.35 Chief officers of police may revoke an Article 7 authority issued for a firearm which will not be brought to Great Britain at any time, if they think fit. In such cases the chief officer should send a notice to the authority holder requiring the authority to be surrendered within 21 days.
- 29.36 There is no statutory right of appeal against such revocation but chief officers of police will wish to bear in mind that any such decision may be open to challenge by judicial review. Except in cases where there may be immediate danger to public safety or the peace if revocation is delayed, chief officers should normally write to the authority holder advising that consideration is being given to the revocation of the Article 7 authority and giving the holder a chance to respond. Any comments which the holder makes in response should be carefully considered before a decision on revocation is made.
- 29.37 The UK will be notified where a resident of Great Britain purchases or acquires a category B firearm or ammunition in another EU state and keeps it, or them, there. Notifications should therefore be received of every purchase or acquisition made under an Article 7 authority granted on the basis that the firearm or ammunition will not be brought into the UK. These notifications will be received in the first instance by the Home Office who will forward them to the relevant local chief officer of police. Chief officers will wish to check that the resident of Great Britain in question has been granted an Article 7 authority, and that the purchase or acquisition has been in accordance with its terms.

## Residents of Great Britain – purchase of category C firearms in other EU states

- 29.38 Under section 18A of the Firearms (amendment) Act 1988 a person who is resident in Great Britain and who purchases or acquires a category C firearm in another EU state must notify their local chief officer of police of the transaction within 14 days of the transaction. The notice must be sent by recorded or special delivery or, if sent from another EU state, the closest equivalent postal service. S.I. 2011/713 also now permits notices to be sent via electronic means. No notification need be made if:
- (a) the terms of the transaction restrict that person's possession of the firearm to the whole or a part of their visit to that state and prevent its removal from that state; or
  - (b) that person holds a firearm or shotgun certificate containing the special collector's condition, and both the certificate and the condition relate to that firearm; or

(c) that person is authorised to possess the firearm in Great Britain by virtue of a museum firearms licence.

29.39 The Home Office should also be notified of such transactions through the Information Exchange Network by the authorities of the EU state in which the transaction takes place. Such notifications will be passed by the Home Office to local chief officers of police who will wish to check that the person is authorised to purchase/acquire/possess the firearm concerned. For queries about import licences for British residents returning from abroad see chapter 28.

## EU residents – purchase of firearms for export

29.40 A resident of another EU state who wishes to purchase a category B firearm in Great Britain will have to be able to show evidence of the agreement of the authorities of his state of residence to the purchase, corresponding to an Article 7 authority. Such evidence is not necessary if the purchaser can show that he is a recognised collector who is purchasing the firearm exclusively in connection with the recognised activities, or that he is resident in the UK or outside the EU states, or are otherwise precluded from being issued with such an authorisation.

29.41 An EU visitor will not of course be able to purchase firearms which are classified as category B by the Directive but which are subject to control under section 5 of the 1968 Act (as amended). In other words, under section 18 of the Firearms (Amendment) Act 1988, an EU visitor, other than a recognised collector, will only be able to purchase a firearm to which section 1 of the 1968 Act applies or a shotgun.

29.42 Registered firearms dealers should include details of any agreement given by the purchaser's state of residence in the notice of transaction which they are required to send to chief officers of police under section 18(2) of the 1988 Act.

29.43 Chief officers of police are also required to pass to the Home Office notice of transactions received under section 18(2) of the 1988 Act in respect of category C weapons by residents of other EU states.

## Weapons Information Exchange System (WIES)

29.44 The system is designed so that an EU state is notified when one of its residents acquires or possesses a firearm in another EU state. It is also used to notify every permanent or commercial movement of firearms from one EU state to another. The national authority to transmit and receive information for the UK is the Public Risk Unit (PRU) at the Home Office. The following section sets out the respective duties of the Home Office and police forces in exchanging information on both the purchase and possession of firearms by individuals and for permanent and commercial transfers. It should be noted that Article 13(3) of the 1991 directive which dealt with networks for the exchange of information was replaced by the 2008 Directive. This now requires member states to exchange information on a regular basis. It also states that the commission shall set up a contact group for the exchange of information.

## Exchange of information on the purchase and possession of firearms by individuals

- 29.45 An EU state must be notified through the WIES each time one of its residents buys, or permanently acquires, a category C firearm in another EU state. It must also be notified if one of its residents possesses a category B firearm in another EU state.
- 29.46 The WIES is only of benefit if information is exchanged quickly and accurately. The information which the UK is required to transmit to other EU states about purchases of firearms in the UK by other EU residents will in the first instance be notified under the requirements of the Firearms Acts to chief officers of police. The standardised information received by the Home Office Public Risk Unit is normally processed and forwarded within 48 hours of receipt to other EU states.
- 29.47 It is of vital importance that notifications which forces or companies receive about purchases of firearms by EU residents are processed as a matter of urgency and, if subject to the information exchange requirements, forwarded to the Home Office immediately on receipt in force firearms departments. Information which forces are required to forward should be sent either by fax to the Firearms Section of the Public Risk Unit on 0870 336 9030 or by email to [firearms@homeoffice.gsi.gov.uk](mailto:firearms@homeoffice.gsi.gov.uk).
- 29.48 All notifications must be made on forms which incorporate the EC Weapons Directive 91/477/EEC. The (WIES 1) form containing agreed information is used by police forces to (i) notify other EU states (through the Public Risk Unit) of purchases of certain firearms by EU residents in the UK and (ii) by other EU states to notify police forces (through the Public Risk Unit) of purchases of certain firearms by UK residents in those states. The (WIES 2) and (WIES 3) forms are used by other EU states to notify UK police forces (through the Public Risk Unit) of the possession of firearms in those states by UK residents and the transfer of weapons to UK residents respectively.

## Information which police forces must pass to the Home Office

- 29.49 Local forces must notify the Home Office immediately of any notice they receive involving the purchase, or permanent acquisition, by EU residents of category C firearms in the UK. The Home Office Public Risk Unit will transmit this information to the purchaser's state of residence. Residents of other EU states can only purchase or acquire category C firearms in Great Britain if they hold a visitors' shotgun permit or, in the case of purchase, if they purchase it for export under section 18 of the 1988 Act.
- 29.50 The only category C weapon which can be purchased or acquired by virtue of holding a visitors' shotgun permit is a shotgun with a non-detachable magazine incapable of holding more than 2 cartridges. All such notifications received by the police should be reported to the Home Office Public Risk Unit using WIES 1. The same form should be used to report notifications of transactions involving EU residents and category C firearms by registered firearms dealers.

## Information which the Home Office must pass to the police

- 29.51 The Home Office Public Risk Unit will be notified through the WIES each time a UK resident acquires a category C firearm in another EU state. This information will be passed on to local chief officers of police also using form WIES 1. Chief officers will need to check

that the individual concerned holds a firearm or shotgun certificate (or is exempt from the requirement to hold one) in respect of that firearm. The individual purchasing the firearm must also notify their local chief officer of the acquisition (unless they are exempt from the requirement to do so).

29.52 The UK will also be notified by other EU states of any UK residents possessing a category B firearm in those states. Such notifications will be passed by the Home Office Public Risk Unit to local chief officers of police for the areas in which these persons reside using form WIES 2.

## **Exchange of information on permanent and commercial transfers of firearms between EU states**

29.53 The WIES is also designed to supplement the system for licensing the movements of firearms between EU states. EU states will be notified through the WIES of every transfer of firearms to, or through, their territory.

## **Notifications which the Home Office must pass to the police**

29.54 The Home Office Public Risk Unit will be notified through the WIES each time a licence is granted by another EU state authorising firearms to be transferred to the UK. Notifications will be received not only about commercial transfers but also about transfers to, or by, private individuals. Notifications received about purely commercial transfers will be passed by the Home Office Public Risk Unit to HM Customs and Excise who are responsible for the enforcement of the licensing controls on movements of firearms between the UK and other EU states.

29.55 Notifications received from other EU states about licences authorising transfer of a firearm or firearms to a private individual in the UK will be passed by the Home Office Public Risk Unit to both HM Customs and Excise and the local police force for the area in which the UK transferee resides. Notification will be by means of WIES 3. The local force will need to check that the transferee is authorised to acquire/possess the firearm(s) to which the notification relates and take action as appropriate.

# Chapter 30: Authorisation of armed guards on UK registered ships

## Policy

- The policy to allow the use of armed guards applies only in exceptional circumstances:
  - to ships transiting the area at risk of attack by pirates within the High Risk Area (HRA) which is bounded: in the Red Sea: northern limit: Latitude 15°N; in the Gulf of Oman: Northern limit: Latitude 22°N; Eastern limit: Longitude 065°E; Southern limit: Latitude 5°S;
  - when 'Best Management Practices' to deter piracy is being followed fully but, on its own, is not deemed by the shipping company and the ship's master as sufficient to protect against acts of piracy; AND
  - the use of armed guards is assessed to reduce the risk to the lives and wellbeing of those on board the ship.
- The policy applies to internationally trading passenger ships and cargo ships of 500 gross tonnage and above. The policy only applies in relation to the protection of UK registered ships.
- The assurance process for the authorisation of private maritime security companies is to ensure that as far as possible public safety is not endangered by the use of armed guards.
- **Private Maritime Security Companies (PMSCs)** wishing to employ armed guards on board UK registered ships in these exceptional circumstances must be authorised to possess a range of firearms (which may include section 1 and section 2 weapons), including those requiring an authority from the Secretary of State for the Home Department under section 5 of the Firearms Act 1968 (as amended), and be able to deploy them as necessary. All PMSCs wishing to employ armed guards on UK registered ships must receive clearance via the Home Office section 5 authorisation process.
- It is an offence for a person to have in his possession, purchase, acquire, manufacture, sell or transfer, or possess, purchase or acquire for sale or transfer, a weapon prohibited under section 5 of the Firearms Act 1968 without the authority of the Secretary of State. It is also an offence not to comply with any condition of the authority.

## Section 5 application: evidence

- 30.1 PMSCs should apply to the Home Office for section 5 authorisation to enable their armed guards to possess firearms on UK registered ships. In support of their application they must produce a provisional contract or letter of intent with a shipping company intending to use their services. The PMSC may also provide evidence in support of the application such as information about transits over the previous 12 months. In selecting a PMSC the shipping company must have conducted a piracy risk assessment and satisfied itself that the PMSC and its personnel are reputable and suitably qualified, based on the Guidance issued by the Department for Transport: [www.dft.gov.uk/publications/use-of-armed-guards-to-defend-against-piracy](http://www.dft.gov.uk/publications/use-of-armed-guards-to-defend-against-piracy). The PMSC must also ensure it is satisfied that the guards it employs are suitable and properly trained, in accordance with the Department for Transport guidance.

30.2 The shipping company is also required to submit its counter-piracy plan, which should follow the structure of Annex 1 in the DfT guidance, to the Department for Transport, including a signed statement that the Guidance has been followed.

## Armed guards: suitability

30.3 As a general rule, having regard to the provisions of the Firearms Act 1968 and to the potential risks of harm that exist in the armed counter-piracy maritime environment, individuals who have any previous convictions or cautions for violence, disorder or other serious criminality will not be considered as suitable to receive Home Office clearance. There may also be circumstances where other police information or locally held police records on individuals may call into doubt the applicant's suitability to undertake armed maritime security work. Each case will be considered on its merits.

## Armed guards: numbers

30.4 The number of armed guards included in the application to be approved must be consistent with the evidence provided in support of the application and in any event should not exceed 30 guards in the initial application. Applications that have been submitted without sufficient justification for the number of guards included in the application are likely to be delayed and may be refused. Only those guards who will be employed on a UK registered ship will be considered<sup>1</sup>.

30.5 A PMSC may submit an application for clearance for additional guards at any time, but the number of guards requested to be cleared on each occasion must not exceed 30. If a PMSC wishes to request clearance for additional guards following issue of a section 5 authority, evidence must be provided to show that the guards will be employed on a UK registered ship and that the additional guards are necessary. The number of guards to be checked must be kept to the minimum necessary to service the PMSC's contract in order to prevent delay in processing of the section 5 application.

## Armed guards: duration of clearance

30.6 Following the grant of a section 5 authority, when a PMSC wishes to submit further guards for clearance they should be aware of the following: guards are servants of the PMSC and their clearances are linked to the expiry date of the company's section 5 authority. Therefore, when the PMSC's section 5 authority expires, most guards will also need to have their clearances renewed at that time. However, guards whose clearances were carried out four months or less before the PMSC's authority is due to expire do not need to have their clearance renewed. In cases where a PMSC has been given a three year authority, guards will need to have their clearances undertaken every 12 months, and the PMSC should submit an application to the Home Office on this basis.

## Armed guards: information to be provided

30.7 The following information should be provided in respect of each armed guard:

- full name (including any previous names)
- date and place of birth

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<sup>1</sup> This only applies to guards on UK ships because the Firearms Act 1968 as a whole (and accordingly the section 5 requirement for an authority) applies to UK registered vessels rather than foreign registered vessels.

- residential addresses covering the previous five years
- copy of the guard's passport
- and a declaration of consent to checks being carried out.

30.8 A copy of the guard's passport must be provided so that their identity can be verified. To speed up the application process PMSCs may wish to submit an enhanced Disclosure and Barring Service (DBS) certificate for each of the armed guards. PMSCs should not put forward people who, through their own due diligence checks, are not suitable.

## Disclosure and Barring Service (DBS)

30.9 The Disclosure and Barring Service – [www.homeoffice.gov.uk/agencies-public-bodies/dbs/](http://www.homeoffice.gov.uk/agencies-public-bodies/dbs/) – will, on payment of the appropriate fee, provide an Enhanced Disclosure for armed guards who are proposed to be deployed as part of a section 5 application. There will be an additional charge for the use of a Registered Body who will check and countersign applications and submit them to the DBS. Supply of DBS certificates is not mandatory, but if the PMSC does not provide DBS certificates then the cost of the checks will fall to the public purse. Although some police checks must still be carried out for each application, supply of a DBS certificate is likely to reduce the time taken to process the application.

30.10 The DBS will issue each applicant with a certificate based on the individual's criminal record, including any relevant local police information. This certificate can be submitted by the PMSC with the application. For the purposes of granting a section 5 authority, the DBS Disclosure should be no more than four months old at the time of application. The DBS has introduced an update service, which allows people (if they choose to subscribe to it and pay a small fee) to apply for a criminal record check to refresh their existing certificate, with employers checking online to see if it is still up to date. This avoids having to go through the full clearance process again.

## Armed guards who cease to be employed by the PMSC

30.11 If an armed guard ceases to be employed (including as a sub contractor) by the PMSC once the section 5 authority is in place the Home Office must be informed **immediately**. Failure to do so will be a breach of the conditions of the section 5 authority and such a breach may result in revocation of the authority. If the PMSC wishes to employ new guards during this period they must provide the Home Office with each guard's full details, and this may include a DBS certificate, so that the relevant checks can be carried out. The guard cannot be in possession of firearms until the PMSC is notified by the Home Office that the company's section 5 conditions have been amended accordingly.

## Armed guards employed by a second PMSC

30.12 A process has been introduced whereby one PMSC can utilise the services of another PMSC's guards. This has been agreed on the basis that the Home Office is notified by the requesting PMSC, and provided that the guard is authorised by the Home Office and the parent PMSC still retains their services and provides confirmation by e-mail or letter of this fact. Before proceeding, the requesting PMSC must receive confirmation from the Home Office that the arrangement is acceptable. If the requesting PMSC has obtained registered firearms dealer status there is no requirement for each guard to hold a firearm certificate in their own right.

## Non-UK PMSCs or armed guards

30.13 PMSCs from other countries, or those wishing to use non-UK guards, may apply for section 5 authorisation only if the guards will be protecting UK vessels. The application process is similar to that for UK nationals. However, for a non-UK PMSC details will be required to show that the company is an accredited company and is registered with, or is a member of, the maritime and defence industry associations in the country of origin. Details will also be required for the company's proposed named authority holder, who will be held accountable for any breaches and for the non-UK guards. A form will be provided, to be completed and returned to the Home Office for forwarding on to the UK Central Authority for the Exchange of Criminal Records checks (UKCA-ECR). If these checks cannot be completed, or the evidence is insufficient to make a decision based on ensuring public safety, then the application is likely to be refused.

## Types of firearms: section 1, section 2 and section 5

- 30.14 The PMSC must provide details of the number and type of section 5 prohibited firearms they wish to possess on board the UK registered ship, and why this number and type of weapon is necessary. All PMSCs must be authorised to possess section 5 firearms.
- 30.15 Whether they will be in possession of section 1, section 2 or section 5 firearms, all guards must receive Home Office approval before they can be utilised by the PMSC on a UK registered ship. The requirement for each guard to be approved as part of the Home Office section 5 process not only enables a wide range of firearms to be used by the guard, it also forms an important part of the assurance process. The section 5 authorisation process is designed to encompass the appropriate checks for the possession of the most dangerous weapons and is subject to ministerial oversight. This level of authorisation is deemed necessary for armed guards in view of the circumstances in which the firearms are held, which involves greater risk than for those possessing guns for sport or wildlife management in the UK.

## PMSCs who wish to register as a firearms dealer (RFD)

- 30.16 PMSCs may apply to the police to be registered as a firearms dealer, but this will not be approved until the PMSC has received section 5 authorisation from the Home Office. Once a section 5 authorisation has been issued, the police may approve registration as a firearms dealer for the applicant, and may specify that only those guards cleared by the Home Office can possess firearms. PMSCs who have already obtained RFD status and who wish to conduct maritime security operations on board UK registered vessels must proceed to submit their application for a section 5 authority to the Home Office.
- 30.17 Under section 8 of the Firearms Act 1968 a registered firearms dealer and their servants are exempt from having to hold a firearms certificate in order to possess, purchase or acquire firearms or ammunition. Therefore, once the Home Office has issued the section 5 authority, followed by issue of the RFD by the police, there is no requirement for each armed guard who has been cleared by the Home Office to hold a firearm certificate in their own right, provided that the PMSC they are employed by, or to whom they are acting as a sub-contractor, is a registered firearms dealer.

## PMSCs who are not registered firearms dealers (RFDs)

30.18 If a PMSC is not a registered firearms dealer then each of the armed guards will need to apply to their local police for a firearm certificate for the weapons specified in their own right, following issue of the section 5 authority to the PMSC. Given the additional administration involved, it is expected that most PMSCs will wish to become registered firearms dealers.

## Section 5 authorisation

30.19 Once the necessary checks have been completed, if the Home Office is satisfied, a section 5 authority will be issued to the PMSC with conditions attached to ensure that the firearms will not endanger the public safety or the peace. It is an offence under section 5(5) of the Firearms Act 1968 to fail to comply with these conditions.

30.20 A section 5 authority is issued initially for one year followed by three years at first renewal, unless there has been a breach of conditions or other public safety concerns.

30.21 PMSCs should submit renewal applications for section 5 authorities, or requests for clearance for guards, at least four months before expiry in order to allow police sufficient time to carry out the necessary checks.

## Other issues

30.22 Training: the maritime security industry is well-established with a number of PMSCs currently operating to protect shipping. The policy does not currently extend to authorisation of PMSCs to undertake maritime security training in the UK using live firearms, including training in the use of prohibited weapons. Work is underway to consider options for training standards and requirements in the future.

30.23 Maritime accreditation has been taken forward at an international level by the ISO (International Organisation for Standardisation). ISO/PAS 28007 'Guidelines for Private Maritime Security Companies Providing Privately Contracted Armed Security Personnel on Board Ships' was published in 2012. For the UK, the SCEG (Security in Complex Environments Group), was appointed by the UK Government as its industry partner for regulation and accreditation, and has been working to produce standards for the UK private security industry operating overseas in hazardous environments. [www.sceguk.org.uk](http://www.sceguk.org.uk). The United Kingdom Accreditation Service (UKAS) has accredited Certification Bodies to issue certificates to UK and other PMSCs.

## Further information

30.24 Further information on the issue of section 5 authorisations can be obtained from the Gov.UK website or from the Home Office at the following address: Firearms Team, Drugs and Firearms Licensing Unit, Home Office, Crime and Policing Group, 5th Floor, Fry Building, 2 Marsham Street, London, SW1P 4DF

e-mail: [firearms@homeoffice.gsi.gov.uk](mailto:firearms@homeoffice.gsi.gov.uk)

020 7035 0030

020 7035 0273

020 7035 5343

020 7035 1778

020 7035 3123

## Summary process for maritime security applications

- Shipping company selects the PMSC and draws up a draft contract/letter of intent
- Shipping company submits its counter-piracy plan (CPP) to the Department for Transport, including a signed statement that the Guidance has been followed.
- The Department for Transport will advise the Home Office when a satisfactory CPP is received from the shipping company. Please note that the Home Office will not proceed with the section 5 application until they receive this notification.
- PMSC applies to Home Office for section 5 authority enclosing:
  - provisional contract/letter of intent with shipping company;
  - details of number and type of firearms and why these are required;
  - details of armed guards: full name, date and place of birth, residential addresses for the past five years, copy of passport, DBS certificate and declaration of consent to any additional police checks;
  - if the PMSC has obtained alternative supporting information on the guards, this information can also be included.
- PMSC can apply to local police to register as a firearms dealer (RFD).

# Appendix 1: List of relevant organisations

## Countryside and conservation

Association of Deer Management Groups

British Deer Society

Country Land and Business Association

Countryside Alliance

Countryside Council for Wales

English Heritage

English Nature

The National Gamekeepers' Organisation

St Hubert Club of Great Britain

Scottish Gamekeepers Association

Scottish Landowners' Federation

Scottish Natural heritage

## Government

Arts Council

Crown Office

Crown Prosecution Service

Department for Business Innovation and Skills

Department for Culture, Media and Sport

Department for Environment, Food and Rural Affairs

Foreign and Commonwealth Office

Forestry Commission

Health & Safety Executive

HM Inspectorate of Constabulary

HM Inspectorate of Constabulary for Scotland

HM Revenue & Customs

Ministry of Defence

Northern Ireland Office

Scottish Government

Scottish Government Environment and Rural Affairs Department

Scottish Government Justice Department

Scotland Office

Welsh Assembly Government

## **Historic and antique firearms**

Heritage Arms Study Group (HASG)

Historical Breechloading Smallarms Association (HBSA)

Museums Weapons Group

Vintage Arms Association

## **Other**

Birmingham Proof House

British Medical Association

British Pest Control Association

British Veterinary Association

European Cartridge Research Association

English Civil War Society

Gun Control Network

Humane Slaughter Association

International Maritime Organisation

London Proof House

The Medical Defence Union Ltd

National Association of Re-enactment Societies (NARES)

National Farmers Union

National Operatic and Dramatic Association

Royal College of General Practitioners

Royal Society for the Prevention of Cruelty to Animals (RSPCA)

Scottish Crofting Foundation

The Sealed Knot

Showman's Guild

The Sportsman's Association of Great Britain and Northern Ireland

UK Athletics Ltd

## **Police**

British Transport Police

National Policing Lead (formerly ACPO)

Police Federation

Police Service of Northern Ireland

Police Service of Scotland

Scottish Police Federation

## **Shooting organisations and associations**

Association of Professional Clay Target Shooting Grounds

Association of Professional Shooting Instructors

British Association for Shooting and Conservation (BASC)

British Shooting

British Shooting Sports Council (BSSC)

British Western Shooting Society

Clay Pigeon Shooting Association (CPSA)

The Gun Trade Association Ltd (GTA)

Institute of Clay Shooting Instructors

International Long-Range Pistol Shooters Association

Muzzle Loaders' Association of Great Britain (MLAGB)

National Rifle Association (NRA)

National Small-bore Rifle Association (NSRA)

National Target Shotgun Association (NTSA)

The Shooting Sports Trust Ltd

United Kingdom Practical Shooting Association (UKPSA)

## Appendix 2: List of firearms forms

<b>Title</b>	<b>Number</b>
* Application for grant or renewal of firearm or shotgun certificate	201
* Application to vary a firearm certificate	201v
* Firearm certificate	202
* Shotgun certificate	204
* Application for visitor's firearm/shotgun permit	107
* Visitor's firearm permit	108
* Visitor's shotgun permit	110
* Permit to possess firearms or ammunition (authorised under section 7)	111
* Permit to possess shotguns (authorised under section 7)	112
* Auctioneer's Firearm Permit	213
* Permit to remove from or to a ship, aircraft or aerodrome	115
* Application for registration as a firearms dealer	116
* Application for registration of additional place of business	116A
*** Certificate of registration of firearms dealer	117
*** Certificate of registration of additional place of business	118
*** Notice of sale or transfer of firearms and ammunition	119
*** Application to transfer firearms to N Ireland	120
*** Authorisation to transfer firearms to N Ireland	121
*** Authorisation to enter and inspect stock	122
*** Authorisation to inspect gun club premises	123
*** Application for approval of rifle and muzzle-loading pistol clubs	124
** Police register of firearms dealers	N/A
* Firearms dealer's register of transactions	N/A

\* In the form prescribed, which must be followed

\*\* Also prescribed, but form not available from Stationery office

\*\*\* Not prescribed, forms produced by the police

# Appendix 3: Conditions for firearm certificates

**Forces must ensure that where additional conditions are applied to certificates that they are kept to a minimum and are only applied where they are both proportionate and necessary.**

Where the firearm is authorised for more than one purpose, care must be taken to omit the word 'only' in the conditions.

An asterisk conditions specific firearms on a certificate but may be replaced by the phrase, "The firearms and ammunition....." where a single condition applies to all firearms (and ammunition) on the certificate.

## 1. Quarry Shooting (for vermin, fox or deer)

- The \*calibre RIFLE/COMBINATION/SMOOTH-BORE GUN/SOUND MODERATOR and ammunition shall be used for shooting vermin including fox, and ground game/ deer (delete as appropriate) and any other lawful quarry, and for zeroing-practice on ranges, on land deemed suitable by the chief officer of police for the area where the land is situated and over which the holder has lawful authority to shoot.

(The words underlined may be omitted once the certificate holder has demonstrated competence. There is no set time for this and each case should be considered on its individual merits).

### Automatic Condition for Section 1 Shotguns for Clay Pigeon Shooting (once "good reason" for possession has been demonstrated)

- The \*calibre SMOOTH-BORE GUN may also be used for CLAY PIGEON SHOOTING.

### Condition for Section 1 Rifle which is also to be used overseas

- The \*calibre RIFLE and ammunition may also be carried when proceeding to or returning from a port of embarkation.

## 2. Quarry Shooting – Birds with a Self Loading Shotgun

- The \*calibre SMOOTH-BORE GUN shall be used for SHOOTING BIRDS in accordance with the purpose, terms and conditions of the general licence currently issued by the DEFRA under the provisions of THE WILDLIFE AND COUNTRYSIDE ACT 1981.

### 3. Quarry Shooting – Roe Deer in Scotland

- The \*calibre RIFLE and ammunition/SOUND MODERATOR shall be used for SHOOTING ROE DEER as prescribed under the Deer (Firearms etc.) (Scotland) Order 1985 on land in Scotland, and zeroing on ranges or any land in Great Britain deemed suitable by the chief officer of police for the area where the land is situated and over which the holder has lawful authority to shoot.

(The words underlined may be omitted once the certificate holder has demonstrated competence. There is no set time for this and each case should be considered on its individual merits).

### 4. Quarry Shooting – Shot Pistols

- The \*calibre SHOT PISTOL shall be used only in connection with SHOOTING VERMIN WITHIN OR AROUND BUILDINGS on land over which the holder has lawful authority to shoot.

### 5. Overseas Use

- The \*calibre RIFLE shall be carried only when proceeding to or returning from a port of embarkation. It shall not be fired in Great Britain.

or

- The \*calibre RIFLE and ammunition shall be carried when proceeding to or returning from a port of embarkation and may be zeroed with non-expanding ammunition in Great Britain on ranges which are legally and safely constructed and maintained.

### 6. Humane Killing of Animals

- The \*calibre \*PISTOL/REVOLVER/RIFLE shall be used (only) in connection with the HUMANE KILLING OF ANIMALS (in their duties with \*hunt/association<sup>1</sup>).
- The \*calibre \*PISTOL/REVOLVER, SOUND MODERATOR and ammunition shall be used (only) in connection with the HUMANE KILLING OF HORSES at \* racecourse<sup>1</sup> whilst a member of the ARVS.

<sup>1</sup> Insert name of hunt/association or racecourse.

### 7. Slaughtering

- The \*calibre \*SLAUGHTERING INSTRUMENT and ammunition shall be used only for the SLAUGHTER OF ANIMALS. The holder is authorised to hire or borrow an additional slaughtering instrument in the event that the instrument to which this certificate relates is not available for use.

## 8. Expanding Ammunition

- The certificate holder may possess, purchase or acquire expanding ammunition, or the missiles for such ammunition, in the calibres authorised by this certificate and for use only in connection with:
  - (a) the lawful shooting of deer;
  - (b) the shooting of vermin or, in connection with the management of any estate, other wildlife;
  - (c) the humane killing of animals;
  - (d) the shooting of animals for the protection of other animals or humans.

## 9. Target Shooting

- The \*calibre \*RIFLE/MUZZLE-LOADING PISTOL/REVOLVER and ammunition shall be used for target shooting, and only whilst a member of \*club<sup>1</sup>, on ranges which are legally and safely constructed and maintained.

<sup>1</sup> Insert name of Home Office Approved Shooting Club.

## 10. Target Shooting – Club Guns

- The \*firearm and ammunition shall be used for target shooting, and only whilst a member of \*club<sup>1</sup>, and only on ranges suitable for the safe use of that class of firearm and with adequate financial arrangements in place to meet any injury or damage claim.

## 11. Target Shooting – Shotguns

- The SMOOTH-BORE GUN/SOLID SLUG shall be used for practical target shooting:
  - (a) The smoothbore gun(s) to which this certificate relates shall be used for target shooting on land or ranges where the holder has lawful authority to shoot (provided that adequate financial arrangements are in place to meet any injury or damage claim), for disciplines and courses of fire approved by the BWSS or NRA or NTSA or UKPSA.
  - (b) The solid slug ammunition to which this certificate relates shall be used for target shooting on ranges where the holder has lawful authority to shoot provided that adequate financial arrangements are in place to meet any injury or damage claim.

### Automatic Condition for Section 1 Shotguns for Clay Pigeon Shooting (once “good reason” for possession has been demonstrated)

- The \*calibre SMOOTH-BORE GUN may also be used for CLAY PIGEON SHOOTING.

## 12. Target Shooting – Section 1 Air Rifles

- The \*calibre \*AIR RIFLE shall be used on ranges which are legally and safely constructed and maintained.

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<sup>1</sup> Insert name of Home Office Approved Shooting Club.

## 13. Firearms of Historical Importance

### “Small firearms” held under section 7(1)

- A firearm identified by an asterisk in Part 1 or Part 2 of the certificate must be possessed, purchased or acquired by the holder of the certificate only for the purpose of its being kept or exhibited as part of a collection. Notwithstanding prescribed condition (4), it is at all times to be kept securely stored at \*place<sup>2</sup> unless transportation is authorised by the chief officer of police. Not to be fired.

### “Small firearms” held under section 7(3)

- The \*calibre \*PISTOL/REVOLVER is to be kept and used only at a place as designated by the Secretary of State or the Scottish Ministers in Scotland under section 7(3) of the Firearms (Amendment) Act 1997 namely, \*place<sup>2</sup>.

## 14. Collections

- A firearm or ammunition identified by an asterisk in Part 1 or Part 2 of the certificate must be possessed, purchased or acquired by the holder of the certificate only for the purpose of its being kept or exhibited as part of a collection.

- Not to be fired.

or

- The \*calibre \*firearm and ammunition may be used for target shooting, on ranges which are legally and safely constructed and maintained.

## 15. Trophies of War

- The \*calibre \*RIFLE/PISTOL/REVOLVER shall be possessed only as a TROPHY OF WAR. Not to be fired.

## 16. Signalling Apparatus

- The \*calibre \*PISTOL/LAUNCHER shall be used only for EMERGENCY SIGNALLING/ BIRDSCARING purposes.

## 17. Controlling Races

- The \*calibre \*PISTOL/REVOLVER shall be used only in connection with CONTROLLING RACES at athletics meetings. The holder of this certificate shall recover the firearm(s) each day on which the firearm(s) is/are being used by persons controlling the races.
- The \*calibre \*CANNON shall be used only for CONTROLLING RACES.

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<sup>2</sup> Insert place of storage.

## 18. Historical Re-enactment

- The \*calibre \*CANNON/RIFLE/PISTOL/REVOLVER shall be used only WITH BLANK CHARGES OR BLANK AMMUNITION in connection with displays, battle re-enactments and demonstrations under the supervision of appointed officers of the \* society<sup>3</sup>.

## 19. Theatrical Use

- The \*calibre \*firearm shall be used only in a theatrical or television performance or the rehearsal of such a performance or the production of a film. The holder of this certificate shall recover the firearm(s) after each performance, rehearsal or production in which the firearm(s) is/are being used by persons taking part.

## 20. Treating Animals

- The \*calibre \*firearm and ammunition shall be used only in connection with the purpose of tranquillising or otherwise treating an animal. The holder is authorised to hire or borrow additional equipment in the event that the instrument to which this certificate relates is not available for use.

## 21. Young Shooters

- THIS NOTICE DOES NOT FORM PART OF THE CONDITIONS. The certificate holder may not purchase or hire any firearm or ammunition prior to \*date<sup>4</sup> when he/she will attain the age of eighteen years.

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<sup>3</sup> Insert name of society/societies.

<sup>4</sup> Insert date of the holder's 18th birthday.

# Appendix 4: Young persons and firearms law

Note that the issuing of firearm or shotgun certificates are dealt with separately – see chapters 7, 10 and 11

	Under 18	Under 17	Under 15	Under 14
1. Purchase any firearm or ammunition	✗	✗	✗	✗
2. Possess section 1 firearm	✓	✓	✓	✗
Exemptions				1,2,3 (see below)
3. Receive gift of section 1 firearm	✓	✓	✓	✗
4. Possess assembled shotgun	✓	✓	✗	✗
Exemptions			4,5 (see below)	4,5 (see below)
5. Receive shotgun as gift	✓	✓	✗	✗
6. Possess air weapon or ammunition for an air weapon	✗	✗	✗	✗
Exemptions	2,3,4,6 (see below)	2,3,4,6 (see below)	2,3,4,6 (see below)	2,3,4,6 (see below)
7. Receive air weapon, or its ammunition, as a gift	✗	✗	✗	✗

## Exemptions

1. Carry for sporting purpose.
2. Rifle/Pistol Club or cadet corps
3. Miniature rifle range.
4. Under supervision of someone 21 years or over.
5. Secure gun cover (but this exemption is not available in respect of air pistols).
6. On private land with the consent of the occupier.

# Appendix 5: Antique firearms – obsolete calibres and Antique air weapons

Breech-loading firearms originally chambered for the following ammunition, and which retain that original chambering, should be regarded as benefiting from exemption as antiques under section 58(2) of the Firearms Act 1968.

## [NOTES]

1. All the cartridges listed are centre-fire.

2. The chances of the survival of more than a tiny number of most of these cartridges – or of the arms which they fit – are very low indeed. But those firearms listed in bold may survive in some quantity.

3. Each cartridge in the list is followed by initials referring to a published source whose description may be accepted as the norm for each round. These are as follows

B – “Cartridges of the World”, by Barnes

D – “Cartridges for Collectors”, by Datig (three vols)

ECRA-“European Cartridge Research Association Data Viewer”

E&B – “Manual of Pistol and Revolver Cartridges”, by Erlmeier and Brandt

H – “The History and Development of Small Arms Ammunition”, by Hoyem (volumes two and three)

Hu – “Military Rifle and Machine Gun Cartridges”, by Huon

W&M – “Pistol and Revolver Cartridges”, by White & Munhall, single volume edition by Bearse.

**Bold** type is used to describe those obsolete calibres for which firearms may be found in some quantities. This list will be reviewed and updated as necessary.

.22 Extra Long Maynard (B)

.22-15-60 Stevens (B)

.22CF (E&B)

.230CF (E&B)

.25/20 Single Shot (B)

.25/21 Stevens (B)

.25/25 Stevens (B)

**.250 Rook (or .297/.250 Rook) (H)**

.255 Jeffrey Rook (H)

.275 Jeffrey (H)

.276 Enfield P.13 (Hu)

.28/30/120 Stevens (B)

.297/.230 Sporting (H)

**.297/.230 Morris (H)**

.298 Minex (H)

.300 (.295) Rook (H)

.300 Sherwood (H)

.300/.250 Rook (H)

.30/30 Wesson (D)

.30/40 Wesson (D)

**.310 Cadet (H)**

.310 Greener

.31 Thuer

.310/.300 Rook (H)

.320/.230 Rook (H)

.32 Protector (W&M)

.32 Long Rifle CF (NB recommended for section 58(2) in rifles only) (B)

.32/35 Stevens (D)

.32/40 Remington-Hepburn (D)

.32/40 Bullard (B)

.32/ 40 Winchester and Ballard (B)

.32 Ideal (B)

.32 – .44 Smith & Wesson (W&M)

**.320 British (also known as the .320 Revolver C.F., Short or Long) (W&M)**

.35/30 Maynard (B)

.35/40 Maynard (B)

.340 Short or Long Revolver (W&M)

.360 Thuer

.360 Rook (also known as the .360 No. 5 ) (H) (recommended for section 58(2) rifles only)

.360 shotgun

.360 Westley Richards No.3 Express (H)

.360 No.3 Gibbs (H)

.360 Gibbs No.4 (also known as the .380 Gibbs No. 4)

.360/.300 Fraser (H)

.360 2 7/16 Black Powder Express (H)

.360 2 3/4 Boxer (H)

.369 Purdey (H)

.38/35 Stevens Everlasting (D)

.38/40 Ballard Everlasting (D)

.38/40 Remington-Hepburn (D)  
.38/45 Bullard (D)  
.38/70 Winchester (D)  
.38/56 Winchester (D)  
.38/90 Winchester (B)  
.380 Black Powder Express (also known as the .380-21/4 Rigby and .360-21/4) (H)  
.380 Long Rifle (NB recommended for section 58(2) in rifles only) (H)  
.40 / 40 Maynard (B)  
.40/.50-70 Calibre Reduction Exptl.(H)  
.400-2.5 inch Kynoch (H)  
.400-3.25 inch Boxer (H)  
.400-3 inch Purdey (H)  
.40/60 Marlin (D)  
.40/60 Winchester (D)  
.40/60 Maynard (B)  
.40/70 Ballard (D)  
.40/70 Sharps Necked (D)  
.40/70 Sharps Straight (D)  
.40 / 70 Maynard (B)  
.40/ 70 WCF (B)  
.40/72 Winchester (D)  
.40/75 Bullard (D)  
.40/82 Winchester (D)  
.40/90 Bullard (D)  
.40/90 What Cheer (D)  
.40/50 Sharps Straight (D)  
.40/65 Sharps Straight (D)  
.40/65 WCF (D)  
.40/90 Sharps Necked (D)  
.40/40 Maynard (B)  
.40/60 Maynard (B)  
.40/63 Ballard (B)  
.40/65 Ballard Everlasting (B)  
.40/70 Maynard (B)  
.40/70 Peabody What Cheer (B)  
.40/85 Ballard (B)  
.40/110 Winchester Express (B)  
.400 2 3/4 Westley Richards (H)  
.402 Enfield-Martini Exptl. (H)  
.41 Colt (short or long) (W&M)  
.42/.50-70 Calibre Reduction Exptl. (H)  
.425 Webley (H)  
.425 Webley 1 5/16 (H)  
.430 Long Rifle (also known as the .430 Long Revolver) (W&M)  
.430 Revolver (W&M)  
.44 Thuer  
.44 Morse necked (H)  
.44-50 Meigs (H)  
.44 Dupee rimless (H)  
.44/60 Creedmore (D)  
.44/77 Remington (D)  
.44/90 Sharps 2 7/16 inch (D)

- .44/90 Sharps 2 5/8 inch (D)
- .44/90 Remington Special (B)
- .44/95 Peabody What Cheer (B)
- .44/100 Maynard (H)
- .44 Evans Short and Long (B)
- .44 Devilliers (W&M)
- .440 Revolver (W&M)
- .440 Long Revolver (W&M)
- .440 Nagant (Argentine model) (W&M)
- .442 Carbine 1.025" (H)
- .442 revolver (also known as .44 Webley) (W&M)
- .442 Long Revolver (W&M)
- .44 Colt Revolver (W&M)
- .44 Remington Revolver (W&M)
- .44 S&W American (W&M)
- .44 Merwin Hulbert Long (W&M)
- .44 Merwin Hulbert Short (W&M)
- .44 S&W Russian (W&M)**
- .45-85 Ward Burton Exptl. (H)
- .45/.50-70 Calibre Reduction Exptl. (H)
- .45 US Exptl, 1869 (H)
- .45-200-500 Winchester Exptl. (H)
- .45 Boxer-Henry Long Chamber 1869 (H)
- .45 New South Wales Police Carbine (H)
- .45 Gardner & Gatling (H)
- .45 Mars Long (W&M)
- .45 Mars Short (W&M)
- .45 MP (very rare Maxim Pistol round mentioned in the 'Journal of the Historical Breechloading Smallarms Association' Vol 2 No 6 Page 24)
- .450 No. 1 Bland (E&B)
- .450 Soper 2.5 inch (H)
- .450 Needham (H)
- .450 No. 1 Musket (H)
- .450/.360 Purdey (H)
- .450/.350-2 3/8 inch (H)
- .45/75 WCF (Hu)**
- .45 Brown Standard Military Target Rifle (D)
- .45/50 Sporting (D)
- .450/.400 Black Powder in case lengths of 2 3/8", 2 7/8", 2 19/32" Thomas Turner No 2, 2 3/4" Westley Richards and 3 1/4". Also the .450.400 3" Jeffrey (H)
- .450 Black Powder Express in case lengths of 1 1/2", 2 1/2", 2 9/16", 2 6/10", 3", 3 1/16" and 3 1/4" (H)
- .45/125 Winchester (B)
- .45 Turkish Peabody (also known as the 11.43 x 55R Turkish) (B)**
- .46 Winchester (H)
- .461 Gibbs No. 1 (H)
- .461 Gibbs No. 2 (H)
- .476 Indian Police (H)
- .48 Morse (H)
- .490 BSA (H)
- .50/.58 Morse sleeved (H)
- .50 Morse (H)
- .50 Meigs (H)

.50-.48 Meigs (H)  
 .50 Peabody (?) (H)  
 .50 Spencer Carbine (H)  
 .50 Springfield Cadet (H)  
**.50-70 Springfield (H)**  
 .50 Daw's Patent 1867 (H)  
 .50 Boxer 1867 (H)  
 .50/50 Maynard (B)  
 .50/70 Maynard (H)  
 .500/.450 Westley Richards No.2 Musket (H)  
 .500-1.5 inch (H)  
 .500-2-25 inch (H)  
 .500-2.5 inch (H)  
 .500-3 inch (H)  
 .500-3.25 inch (H)  
 .500/.450 No.1 Carbine (H)  
 .500/.450 Webley Carbine (H)  
 .500/-450-2.5 inch (H)  
 .500/.450 No.1 Express (H)  
 .500/.450-3 3/8 inch (H)  
 .500/.450-3.5 inch (H)  
 .50 Remington Army Pistol, M1871 (W&M)  
 .50 Remington Navy Pistol, M1867 (W&M)  
 .50 Springfield Pistol, M1869 (W&M)  
 .500 Revolver (W&M)  
 .50/95 Winchester (D)  
 .50-100 Winchester Express (D)  
 .50-110 Winchester Express (D)  
 .50/115 Bullard (B)  
 .50/140 Sharps (B)  
 .52-70 Sharps (H)  
 .54 Morse (H)  
 .55 Morse (H)  
 .55 Gatling (H)  
 .55/100 Maynard (B)  
 .56-56 US Exptl. (H)  
 .577 Selwyn 1865 (H)  
 .577 Daw's Patent 1867 (H)  
**.577 Snider (H)**  
**.577/.450 Martini-Henry (H)**  
 .577-2.25 inch (H)  
 .577 2.5 inch (H)  
 .577-2.75 inch (H)  
 .577/.500 No.2 Express (H)  
 .577/.500 Magnum Express (H)  
 .577 Pistol (W&M)  
 .58 Morse (H)  
 .58 US Converted Musket, 1865 (H)  
 .58 Remington Carbine (H)  
 .58 US Berdan System Conversion (11)  
 .58 Tibbals/Roberts 1869 (H)  
 .58 Roberts (H)  
 .60 Chinese Jingal (H)

.65 Gatling (H)  
 .69 Morse (H)  
 .75 Gatling (H)  
 .75 Chinese Jingal (H)  
 .80 Gatling (H)  
 1 inch Nordenfelt-Palmcranz (H)  
 20 bore/.577 Alex. Henry (H)  
**2.7mm Kolibri (W&M)**  
 3mm Kolibri (W&M)  
**4.25mm Liliput (W&M)**  
 5mm Bergmann NO.2 Pistol (W&M)  
 5mm Charola-Anitua (W&M)  
 5mm Clement (W&M)  
 5mm Brun (E&B)  
 5mm French (E&B)  
 5mm Pickert (E&B)  
 5.2mm Pickert revolver (W&M)  
 5.2mm Mondragon (Hu)  
 5.2mm x 34R Kronprinz (D)  
 5.43mm x 26.BR revolver (W&M)  
**5.5mm Velo-Dog revolver (W&M)**  
 5.6mm x 34R Francotte Carbine (D)  
 5.6mm x 33 Rook (B)  
 6mm Beaumont revolver (W&M)  
 6mm Merveilleux (W&M)  
 6mm Protector (W&M)  
 6mm Lee Navy (Hu)  
 6mm x 58 Gewehrprüfungskommission M1897 (also 6 x 58 Forster)  
 6mm x 58 Forster (B)  
 6mm x 29.5 Stahl (D)  
 6.3mm x 21 rimless (W&M)  
 6.5mm Bergmann No.3 Pistol (W&M)  
 6.5mm Mannlicher Pistol M.1894 (W&M)  
 6.5mm Mondragon (Hu)  
 6.5mm x 27R (D)  
 6.5mm x 4OR (B)  
 6.5mm x 48R Sauer (B)  
 6.5mm Ronezewsky (E&B)  
 6.6mm x 7OR (D)  
 6.8mm x 19.6 Revolver (W&M)  
 6.8mm Schulhof pistol (W&M)  
 7mm Bar (W&M)  
 7mm Charola y Anitua (W&M)  
 7mm French thick rim (W&M)  
 7mm Galand (W&M)  
 7mm Revolver (W&M)  
 7mm CF Walking Stick  
 7mm Devisme (E&B)  
 7mm German Target Pistol Cartridges (Nos. 46-49, E&B)  
 7.25mm Adler (W&M)  
 7.5mm x 53.5R Rubin (H)  
 7.5mm x 53.5 Rimless Rubin (H)  
 7.5mmx 53 Swiss Schmidt Rubin M.1890 (H)

7.53mm x 60R Hebler (H)  
 7.65mm Frommer M. 1901 (W&M)  
 7.65mm Roth-Sauer (W&M)  
 7.7mm Bittner pistol (W&M)  
 7.7mm x 60R (D)  
 7.8mm Bergmann No.5 (E&B)  
 7.8mm x 19R Laumann (referred to in J.HBSA Vol 2 No 6, as above)  
 8mm German Target Pistol (No. 86, E&B)  
 8mm Schonberger (W&M)  
 8mm x 55R Petit Gras (H)  
 8mm x 58R Petit Gras (H)  
 8mm x 57R Petit Gras (H)  
 8mm x 75R Pieri (H)  
 8mm x 61R Rubin (H)  
 8mm x 57.5R Rubin (H)  
 8mm x 57R Spanish Exptl. (H)  
**8mm x 60R Guedes and Portuguese Kropatschek (H)**  
 8mm Gaulois pistol (W&M)  
 8mm Bergmann No.1 pistol (D)  
 8mm x 48R (D)  
 8mm x 72R (D)  
 8mm x 48R Sauer (B)  
 8mm x 58R Sauer (B)  
 8mm Bergmann No.4 (E&B)  
 8mm Bergmann No.7 (E&B)  
 8mm Bergmann-Schmeisser (E&B)  
 8mm Protector (E&B)  
 8mm Raphael (E&B)  
 8mm Schulof (E&B)  
**8.15mm x 46R (Hu)**  
 8.15mm Mauser Experimental (ECRA)  
 8.3mm x 53.5R Rubin (H)  
 8.5mm Mars (E&B)  
 9mm x 51.5R Rubin (H)  
 9mm x 57R Rubin (H)  
 9mm Devisme (E&B)  
 9mm Moutier rimless-grooveless (E&B)  
 9mm French Thick Rim (E&B)  
 9mm Mars (E&B)  
 9mm Belgian Nagant (W&M)  
 9.1mm x 40 Walking Stick  
 9.3mm x 58R Koeffler (H)  
 9.3mm x 63.5R Koeffler (H)  
 9.3mm x 70R (D)  
 9.3mm x 75R Nimrod (D)  
 9.3mm x 82R Nimrod (D)  
 9.3mm x 65R Collath (B)  
 9.4mm Dutch Revolver (W&M)  
 9.5mm x 59R Gras Exptl. (H)  
**9.5mm x 60R Turkish Mauser (H)**  
 9.5mm x 42R (D)  
 9.5mm x 47R (ECRA)

10mm x 47R (D)  
 10mm Gaupillat (E&B)  
 10mm Bergmann (E&B)  
 10mm Mars (ECRA)  
 10mm Mauser Short (E&B)  
 10mm Mauser Long (E&B)  
 10.15mm x 61R (H)  
 10.15mm x 63R Serbian mauser (H)  
 10.15mm x 61R Jarmann (H)  
 10.16mm x 57R Berdan Exptl. (H)  
 10.25mm x 69R Hunting-Express (B)  
 10.3mm x 41R (H)  
 10.3mm x 65R Baenziger (D)  
**10.35mm x 47R Italian Vetterli (H)**  
 10.4mm x 56R Swiss (H)  
**10.4mm x 42R Swiss Vetterli (H)**  
 10.4mm x 38R Martini-Galland (D)  
 10.4mm Swiss M.1878 (W&M)  
 10.4mm x 47R Stahl (D)  
**10.6mm German Ordnance Revolver (W&M)**  
 10.6mm Mauser (W&M)  
**10.66mm x 57R Russian Berdan (H)**  
 10.66mm x 48R Russian Berdan Carbine (H)  
 10.7mm x 57R Krag Petersson (H)  
 10.75mm x 55R (H)  
 10.8mm x 47 Martini (B)  
 11mm x 42R (H)  
 11mm x 45R (H)  
 11mm x 53 Gevelot (H)  
 11mm Manceux (H)  
**11mm x 59R Gras (H)**  
 11mm x 48.5R Gras "Battalion Ecole" (H)  
**11mm x 50.5R Comblain (H)**  
 11mm x 43R Comblain Carbine (H)  
 11mm x 70R Mitrailieuse (H)  
 11mm x 46R (H)  
**11mm x 50R Egyptian Remington (H)**  
**11mm x 57R Spanish Remington (H)**  
 11mm Devisme (E&B)  
 11mm French Ordnance Revolver M1870 (Navy) (ECRA)  
**11mm French Ordnance Revolver M1873 (Army) (W&M)**  
 11 mm Devilliers (W&M)  
**11.15mm x 42R Austrian Werndl (H)**  
 11.15mm x 36R Austrian Werndl Carbine (H)  
 11.15mm x 58R Austrian Werndl, Holub (see below) and Mannlicher (H)  
 11.15mm x 36R Fruhwirth (H)  
 11.15mm x 60R Mauser (H)  
 11.15mm x 37R (H)  
 11.15mm x 60R Japanese Murata (H)  
 11.5mm x 50R (D)  
 11.15mm x 58R  
 11.15mm x 65R (D)

11.15mm x 71R (D)  
11.15mm x 52 Walking Stick  
11.2mm x 51R Kropatschek-Hessig (D)  
11.2mm x 39.6R (D)  
11.25mm x 44.5R (H)  
11.3mm x 51R Dutch Beaumont (H)  
11.35mm Schouboe (Rimmed and Rimless Version) (W&M)  
11.4mm x 53R Brazilian Comblain (H)  
11.4mm x 44.5R Dutch Gendarmerie Carbine (H)  
**11.4mm x 57R Spanish Remington (H)**  
11.43mm x 49R Romanian Peabody (H)  
11.43mm x 59R Turkish Peabody-Martini (H)  
11.43mm x 41R Peabody Carbine (H)  
**11.5mm x 50R Austrian Werder (H)**  
11.5mm x 35R Werder Carbine (H)  
11.5mm x 60R (D)  
**11.53mm Albin-Braendlin (H)**  
11.6mm x 50R Chilean Comblain (H)  
11.7mm x 57R Berdan Exptl. (H)  
11.7mm x 41.5R Danish Remington (H)  
**11.7mm x 45.5R Danish Remington (H)**  
**11.7mm x 51.6R Danish Remington (H)**  
12mm Perrin Thick Rim (E&B)  
12mm Raphael (E&B)  
12mm Moutier (E&B)  
12mm Pidault & Cordier (E&B)  
12.2mm x 70R Mitrailleur (H)  
12.5mm x 60R (D)  
12.7mm x 48R (H)  
12.7mm x 70R Mitrailleur (H)  
12.8mm x 45R Papal Remington (H) (also known as the 12.7mm x 45R)  
13mm x 87R Mitrailleur (H)  
13mm Rochaz-Lindner (H)  
13mm x 92 Mauser T-Gew (H)  
13.2mm x 32R (H)  
14.5mm x 33R Austrian Wanzl (H)  
14.5mm x 41R Spanish Berdan (H)  
14.66mm x 35R Serbian Peabody (H)  
14.7mm x 58R Schneider (H)  
15mm revolver (W&M)  
15.2mm x 110R Mitrailleur (H)  
15.2mm x 28R (H)  
15.24mm x 40R Krnka (H)  
16.5mm x 18R Beringer (E&B)  
17mm Danish Snider (Hu)  
17.5mm x 29R Dutch Snider (Hu)  
18mm x 35R Tabatiere (H)  
18.84mm x 38R Tabatiere (H)  
18.84mm x 57R Wanzl-Albini (H)

## Schedule of mass-produced antique air weapons whose production period pre-dates 1939

Air weapons from the 17th - 19th century are readily identifiable and tend to be of the pre-charged pneumatic type with detachable reservoirs. They fall into two main types: those which resemble conventional firearms and those which are modelled on walking sticks. Bellows and compressed spring mechanisms are also encountered.

The beginning of the 20th century saw the introduction of mass-produced air weapons. Below are lists of air weapons which were mass-produced before 1939.

### Air rifles & air guns

Bonehill Britannia  
Britannia "Anglo Sureshot Mk 1"  
Improved Britannia  
BSA L Model  
BSA H Model  
BSA Lincoln Model  
BSA Improved Model B  
BSA Improved Model D  
BSA Military Pattern  
BSA "A" Series  
BSA Standard Model (T Prefix and Club Specials)  
BSA "Break Action"  
Crank operated gallery rifles/guns (all types).  
Daisy M 1901  
Daisy B-1000  
Daisy Model C  
Daisy Model H  
Daisy Number 12  
Daisy Model 29  
Daisy Model 40  
Diana Model 16  
Diana Model 20  
Diana Model 25  
Diana "Break Action"  
Diana Model 48  
"Gem" all types  
Giffard compressed CO2 all types.  
Greener "Break Action"  
Haenel Model I D R P  
Haenel Model II  
Haenel Model III  
Haenel Model IV  
Haenel Model VIII  
Haenel Model X, XV and XX  
Haenel Model 45  
Hot Shot  
Lane's Musketeer  
Langenhahn "Favorit 1"  
Langenhahn "Millita" Models

Markham (all models)  
Marco  
Midland Gun Co Demon "Break Action"  
Midland Gun Co "Perfecta"  
Pfeil (all models)  
Precision air rifle (Oscar Will)  
Quackenbush (all models)  
Remington Model 26  
Roland Model 1927 (marketed under various names)  
Speedy air rifle  
Tell air rifles (Oscar Will)  
Webley Mark 1  
Webley Mark 2 Service air rifle

## Air pistols

Accles & Shelvoke "Warrior"  
Anson "Firefly"  
Bedford and Walker "Eureka"  
Britannia  
Daisy "Targeteer" (fixed rear sight = pre 1940)  
Diana Model 1  
EmGe "Zenit"  
Haenel 26  
Haenel 28  
Haenel 28 Repeater  
Hubertus (as sold by Midland Gun Co)  
Iver Johnson "Champion"  
Lincoln Jefferies "The Lincoln"  
Pope Bros "Rifle"  
Quackenbush  
Siptonon  
Snow & Cowe "Kalamazoo"  
Tell II  
Tell III  
Titan (Frank Clarke, Birmingham?)  
Westley Richards "Highest Possible"  
Webley Mark 1 (straight butt with wooden grips)  
Webley Mark 1 (raked butt with plastic grips, No knurled section on barrel)  
Webley "Junior" (wooden or pressed steel grips; post war have rounded butt)  
Webley Mark II Target  
Webley "Senior" (Straight butt wooden grips)  
Webley "Senior" (Slant butt plastic grips. Highest known serial no17578)

- 1) **This list is not definitive.**
- 2) **There is a significant class of air pistols with push-in spring loaded barrels which are generically referred to as "Gat" or "Gat type". Those which predate 1939 are as follows.**

Briton, Briton De-Luxe and Super Briton

Dolla

Dolla (William Tell)

Diana Model 2

Limit

# Appendix 6: Conditions for registration of firearms dealers

For inclusion with all registrations:

- i) Reasonable measures shall be taken to maintain the safekeeping of all firearms and ammunition dealt with or kept in the course of the registered firearms dealer's business.

Additional conditions to be imposed in individual cases: (e.g. at other places of temporary business such as fairs etc.)

- ii) All firearms shall be \* (secured in a locked rack) (kept fastened together by means of a chain/approved security cord passing through the trigger guards and anchored to the frame or rack in which the firearms are secured) in publically accessible venues and shall not be removed unless this is necessary for a particular purpose connected with the certificate holder's business as a firearms dealer. (\* Delete the words in brackets which are not applicable)

- iii) All handguns shall be kept in a locked safe or suitable secure cabinet and shall not be removed unless this is necessary for a particular purpose connected with the certificate holder's business as a firearms dealer.

- iv) Ammunition shall be kept separately under lock and key.

- v) Glass panels of doors shall be covered by steel grilles and windows shall be barred, subject to requirements for emergency escape routes.

- vi) The holder of this certificate shall notify the chief officer of police in writing if at any time he/she commences dealing in firearms to which section 1 of the Firearms Act 1968 applies.

- vii) The holder of this certificate shall notify the chief officer of police in writing if at any time he/she commences dealing in firearms other than flare signal pens.

- viii) No firearms or ammunition shall be (handled or)\* stored at the registered premises without prior notice to the chief officer of police. (This condition should be used in respect of dealers who do not physically handle firearms or ammunition). [\* delete words in brackets if not applicable]

# Appendix 7: Guidance on secure keeping of firearms

## Conditions of Security

### Firearms Act, 1968, Amendment Acts 1988 & 1997

The Firearms Rules, 1998 state “firearms or shotguns to which a certificate relates must be stored securely at all times so as to prevent, so far as is reasonably practicable, access to the guns by unauthorised persons.”

A registered firearms dealer certificate is conditioned to require that “ Reasonable measures shall be taken to maintain the safekeeping of all firearms and ammunition dealt with or kept in the course of the registered firearms dealer’s business.”

Auctioneers, carriers and warehousemen are required by the Firearms Amendment Act, 1988 to “take reasonable precautions for the safe custody of the firearms and ammunition in his or his servants possession in the course of his business.”

Conditions on an Authority of the Secretary of State/ Scottish Ministers for the holding of weapons etc to which section 5 of the 1968 Act applies, include “that the prohibited weapons are stored at no place other than the company premises at [ ] under secure conditions as agreed with and satisfactory to the chief officer of [ ] police”, and “that the prohibited weapons are transported under secure conditions agreed with and satisfactory to the chief officer of [ ] police.”

One of the conditions for Home Office approved rifle and muzzle loading pistol clubs requires that “the security arrangements for the storage of club firearms and/or ammunition are to the satisfaction of the chief officer of police for the area or areas in which the firearms and/or ammunition are stored.”

The requirements for a museum firearm licence include that: “the Secretary of State/Scottish ministers shall not grant a licence unless, after consulting the chief officer of police for the area; he is satisfied that the arrangements for exhibiting and keeping firearms and ammunition in question are or will be such as not to endanger the public safety or the peace. A licence shall be subject to such conditions specified in it as the Secretary of State/Scottish ministers thinks necessary for securing safe custody of the firearms and ammunition in question.”

## General Construction & Standards

These specifications are an indication of the relative construction/fabrication of items that would provide the resistance sought in their given application. It is quite possible to produce an acceptable level using alternative strategies, materials or their application.

The test is whether the alternatives on balance provide resistance which can equate to that provided by the contained specification. The Standards quoted in this document should provide a base line for these. Certain of these standards provide testing measures for resistance or deterrence against which the overall prevention of the theft of the firearm(s) can be assessed.

Summaries of the appropriate standards are found in Appendix E of the “Firearm Security Handbook”.

Certain recommendations in this section involve structural adaptation. You should be aware that there is a need to ensure that any recommendation made will not cause any problems in relation to load bearing of floors or walls that may cause damage. It is important that applicants are advised that professional advice should be sought before embarking on projects of this nature.

When proposing security for domestic and commercial premises, no requirements can be implemented that compromise the provisions for safe exiting from such premises, required in both the Building and Fire Safety controls.

The style of security required must be reasonable for each situation.

## Cabinets:

Cabinet which may be considered to be suitable for the security of the firearms, shotguns and ammunition should be expected to provide the resistance equal to:

Or  
A cabinet manufactured and fitted as certified to comply with BS7558:1992

A cabinet fabricated to the following:

Sheet steel body of not less than 2 mm (14 swg), formed by either folding, continuous welding or a combination of these methods

When fabricating the body, the door case should be constructed to provide a continuous rest plate the length of the opening edge to prevent the through insertion of hacksaw blades to attack the lock bolts

The door frame may be formed by return bending of the body steel or the provision of a bar or angle frame, welded to the carcass with sufficient relief to the edges to provide for door locking and hanging. The frame should be designed so that the door, when closed, can resist attempts to force it inwards

Doors should be formed from the same material with either bent, folded or post formed edges, or the provision of a bracing frame of bar or angle steel, or ribs welded to the inside of the door to prevent the flexing or bending of the door when closed.

Doors hung on:

Hinges internally fitted.

Hinges externally fitted, with either hinge bolts, anti-bar plates or interlocking formed door edge along the hanging edge of the door.

Swivel bars or rods with return fold anti-bar plate. The frame should be fabricated to prevent, so far as possible, the insertion of tools to cut the pins.

At least two steel pins of 12 mm dia or full width welded steel foot plate not less than door thickness – for slot in type doors.

Secured by:

Locks to BS3621 or 7 lever safe locks with not less than 38 mm x 9 mm cross section steel bolts.

Locks in the approved list under HELA Tech Doc 26/5.

Locks specified above should be mounted on steel brackets or pockets, providing strength equal to that of the door and welded to the door.

Padlocks not less than grade 4 of the draft CEN 12320:1997. Close shackle should be selected on open ring or plate staples.

Hinged full length doors for rifles/shotguns, should be fitted with two locking devices fitted at points to divide the locking edge into equal parts.

On slide in, fully braced doors, the number and location of the lock(s) will be determined by the degree of absence of flexing in the door.

Padlocks should have steel staples, hasp/staple, or padbars fabricated to equate to the protective strength of the lock.

Provision of at least 4 fixing holes to take not less than 10 mm diameter fastening devices. The holes to be spaced to provide maximum binding of cabinet to structure.

When ammunition or firing mechanisms are to be kept separate from the weapons, a smaller cabinet of similar construction or a separately lockable container, either as an extension of the cabinet, or internally fabricated, can be manufactured.

## Safes

Commercially manufactured safes may be considered suitable for the securing of firearms. Even early models, if tight and in good condition can provide physical protection that would be above that expected on a cabinet constructed to BS7558. The following considerations should be applied as appropriate:

Safes weighing less than 20 cwt should be secured to the floor in accordance with the manufacturers instructions, or in the case of one already possessed, that from a manufacturer or safe engineer.

Safes have a considerable floor loading implication. Advice must be sought for any proposal to fit a safe on other than a solid ground floor.

To protect those safes with thinner plate backs, they must always be installed with the back against a solid wall or be built into a wall or recess to prevent attack at the rear.

Where the safe is secured by driven boltwork, a single key lock or dial lock (either combination or digital) is often provided. Unless there is some particular requirement, double locking would not be necessary.

## Clamps:

Clamps which may be considered to be suitable for the security of a single firearm or shotgun should be:

Steel plate construction, not less than 2 mm (14 swg), all external joints to be seam welded or of bend construction.

Secured by a lock to BS3621; 7 lever safe locks with not less than 38 mm x 9 mm cross section steel bolts; a lock on the HELA Tech doc 26/95; security padlocks not less than grade 4 of the draft CEN 12320:1997.

Configured to enclose firearm action and trigger(s).

Provided with at least two fixing points to allow fixing devices not less than 10 mm diameter being used.

Fixed in such a location to frustrate attack on the fixings.

**Information on other security provisions are contained in the “Firearm Security Handbook”.**

# Appendix 8: Taking of firearms (including air weapons) to Northern Ireland by visitors from Great Britain

1. The requirements for the taking of firearms (including air weapons) to Northern Ireland by persons in Great Britain are as follows:

## Bullet Firing Weapons and Specially Dangerous Air Weapons (Section 1 Firearms)

2. Such weapons may be taken into Northern Ireland provided that the visitor holds a valid Great Britain firearm certificate in respect of that weapon and a valid Certificate of Approval issued by the Chief Constable of the Police Service of Northern Ireland.

## Shotguns

3. Such weapons may be taken into Northern Ireland provided that the visitor holds a valid Great Britain shotgun certificate and a valid Certificate of Approval issued by the Chief Constable of the Police Service of Northern Ireland showing a full description of the shotgun in question.

## Air weapons other than specially dangerous ones

4. Such weapons may be taken into Northern Ireland provided that the visitor holds a valid Certificate of Approval issued by the Chief Constable of the Police Service of Northern Ireland showing a full description of the air weapon in question.

# Appendix 9: Conditions for visitor's firearm or shotgun permit

- (i) The holder must, on receipt of this permit, sign it in ink with their usual signature
- (ii) The holder of this permit must inform at once the chief officer of police by whom this permit was granted of the theft, destruction, deactivation or loss in Great Britain of any firearm or ammunition (shotgun) to which it relates and/or the theft, loss or destruction in Great Britain of this permit.
- (iii) The holder of this permit must, without undue delay, inform the chief officer of police by whom this permit was granted of any change in their notified arrangements insofar as it relates to the grant of this permit.
- (iv)
  - (a) The firearm and ammunition(shotgun) to which this permit relates must at all times (except in the circumstances set out in paragraph (b) below) be stored securely so as to prevent, so far as is reasonably practicable, access to the firearm or ammunition (shotgun) by an unauthorised person.
  - (b) Where a firearm or ammunition (shotgun) to which this permit relates is in use or the holder of the permit has the firearm (shotgun) with them for the purpose of cleaning, repairing or testing it or for some purpose connected with its use, transfer or sale, or the firearm or ammunition (shotgun) is in transit to or from a place in connection with its use or any such purpose, reasonable precautions must be taken for the safe custody of the firearm or ammunition (or shotgun).
- (v) The holder of this permit must, on written request, return the permit to the chief officer of police without delay.
- (vi) The firearm(s) and ammunition to which this permit relates shall be used only at [place of event/use or event(s)] [name of event(s)/competition(s)] or target shooting on ranges suitable for the safe use of that class of firearm and with adequate financial arrangements in place to meet any injury or damage claim.
- (vii) The firearm(s) and ammunition to which this permit relates shall be used only on [land over which shooting is to take place].
- (viii) The firearm(s) and ammunition to which this permit relates shall be used only on [land over which shooting is to take place] and on other land over which the holder has lawful authority to shoot. The following is required as a standard condition for a shotgun visitor's permit.
- (ix) The holder of this permit must, without undue delay, inform the chief officer of police who issued the permit of the details of any shotgun which the holder has purchased or otherwise acquired; and must enter the details of each such shotgun in the appropriate part of this permit.

# Appendix 10: Categories of weapons under 1991 EC directive on control of the acquisition and possession of weapons

The 1991 EC Directive (91/477/EEC) established four categories of firearms by order of their level of danger, defined in Annex I to the directive (reproduced below).

The directive does not apply to commercial transfers of weapons and ammunition of war nor to the acquisition or possession of weapons and ammunition by:

- the armed forces, the police or the public authorities; and
- collectors and bodies concerned with the cultural and historical aspects of weapons and recognised as such by the European Union (EU) countries in which they are established.

The directive is without prejudice to the application of national provisions concerning the carrying of weapons, hunting or target shooting. For the full text of the directive, please see: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31991L0477:EN:NOT>

## Category A — Prohibited firearms

1. Explosive military missiles and launchers.
2. Automatic firearms.
3. Firearms disguised as other objects.
4. Ammunition with penetrating, explosive or incendiary projectiles, and the projectiles for such ammunition.
5. Pistol and revolver ammunition with expanding projectiles and the projectiles for such ammunition, except in the case of weapons for hunting or for target shooting, for persons entitled to use them.

## Category B — Firearms subject to authorisation

1. Semi-automatic or repeating short firearms.
2. Single-shot short firearms with centre-fire percussion.
3. Single-shot short firearms with rimfire percussion whose overall length is less than 28 cm.
4. Semi-automatic long firearms whose magazine and chamber can together hold more than three rounds.
5. Semi-automatic long firearms whose magazine and chamber cannot together hold more than three rounds, where the loading device is removable or where it is not certain that the weapon cannot be converted, with ordinary tools, into a weapon whose magazine and chamber can together hold more than three rounds.

6. Repeating and semi-automatic long firearms with smooth-bore barrels not exceeding 60 cm in length.
7. Semi-automatic firearms for civilian use which resemble weapons with automatic mechanisms.

### **Category C — Firearms subject to declaration**

1. Repeating long firearms other than those listed in category B, point 6.
2. Long firearms with single-shot rifled barrels.
3. Semi-automatic long firearms other than those in category B, points 4 to 7.
4. Single-shot short firearms with rimfire percussion whose overall length is not less than 28 cm.

### **Category D — Other firearms**

Single-shot long firearms with smooth-bore barrels.

Please note that Category D includes single-barrel, single-shot, over and under and side by side shotguns, or any multi-barrelled shotguns which can only fire one shot from each barrel without reloading.

# Appendix 11: Firearms Licensing and Medical Information

This section sets out the referral system on the medical suitability of firearm and shotgun certificate holders introduced on 1 April 2016, expanding on the information contained in chapters 10 and 11 concerning firearm and shotgun licensing, and chapter 12 on suitability. The guidance on medical evidence applies in England and Wales. As processes in Scotland may differ separate guidance is being issued regarding medical information in Scotland.

The firearm and shotgun application forms apply in England, Wales and Scotland. The application forms appear on separate pages on the Gov.UK website.

This section contains the following documents:

- Document A Information sharing between GPs and police
- Document B Process and flowchart
- Document C Factsheet

# Annex A: GP and Police Information Sharing Guide

## Principle underlying the sharing of data on firearm and shotgun applicants

1. Information sharing between GPs and police firearms licensing departments can be necessary in order to reduce the risk to public safety which may occur if a medically unfit person possesses firearms.
2. Information may be shared by GPs with the police as part of the application process, or if the GP considers that the public could be placed at risk of serious harm if they do not make their concerns about a firearm certificate holder known to the police. This is on the basis of the GP's duty to protect and promote the health of patients and the public<sup>1</sup>. GPs may disclose information with consent and, if it is in the public interest, without consent to protect individuals or society from risk of serious harm<sup>2</sup>.
3. The GP's authority to provide medical information to the police is in accordance with Schedule 3 of the Data Protection Act 1998, which stipulates that certain conditions must be met for sensitive personal data to be shared.
4. Medical information provided by the GP to the police will be copied to the applicant or certificate holder unless there is a strong reason not to do so.
5. Due care must be exercised by both the police and the GP with regard to the security of information held concerning the applicant or certificate holder.

## Consent

6. The applicant gives their consent to sharing of information by their GP when they complete and sign the firearm and shotgun certificate application form. The applicant consents to the information sharing while the firearm or shotgun certificate remains valid, and not just at the time of application.
7. The police will refuse the application if the consent section has not been signed. This being the case the GP can assume that consent has been given if an enquiry or notification is received from the police.

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<sup>1</sup> General Medical Council (2013) Good medical practice, 'Duties of a doctor registered with the General Medical Council'.

<sup>2</sup> General Medical Council (2009) Confidentiality, paragraphs 36 to 56.

## Application process: GP input

8. Applicants for a firearm or shotgun certificate are required to declare any relevant medical conditions on the application form. As part of the application process the police may ask some applicants to obtain and pay for a medical report to assist with their consideration of medical suitability. The medical report should be provided to police normally within one month of their request. If a further medical report by the GP or specialist is subsequently required by police, the police will pay the fee.
9. Following grant of the certificate the police will contact each certificate holder's GP to ask them to place an encoded reminder on the patient record so that the GP is aware the person is a firearm certificate holder. This enables the GP to inform police if they have concerns about the person's medical fitness which arise during the validity of the certificate. The letter explains that the police will inform the GP if the certificate subsequently lapses or is revoked or cancelled. In most cases the GP will not have been contacted by police during the application process (as this will usually only happen if the applicant has declared a medical condition), and the letter will normally ask if the GP has concerns about the person's possession of a firearm certificate or if they have suffered from a relevant medical condition which could affect their suitability to safely possess a firearm or shotgun certificate.
10. Following contact from the police indicating that a person has been granted a firearm or shotgun certificate the GP will make an initial check and place the firearms code, and advise the police whether they have any concerns about the person's possession of guns based on the medical record over the previous five years. If the police have concerns about a person's medical condition as a result of the GP's response, the GP may be asked to compile a report about the health of the person which will be requested and paid for by the police.
11. The GP or GP's surgery should ensure that a response is provided to the police letter. In most cases the GP's response will indicate that they have no concerns. The police letter will make it clear that if the GP fails to respond within 21 days the police will draw the inference that the GP has no concerns.
12. If the GP fails to respond to the police letter because it has been lost in the post or has been mislaid the letter will not be attached to the patient record. In these circumstances there can be no expectation that the GP would be able to respond or provide information concerning a person's medical fitness. If the GP feels unable to participate on the basis of a conscientious objection, or for any other reason, they should refer the patient to a colleague if possible. If no colleague is willing or available, the GP should inform the police immediately that they will not be able to complete the form. In the unlikely event that this arises the police should discuss with the applicant/certificate holder how to obtain adequate medical information. The applicant or certificate holder should not be disadvantaged, nor the application delayed, by a GP's refusal to provide medical information.

## Encoded reminder on records of patients who are certificate holders

13. An encoded reminder should be placed on the GP record to indicate that the patient is a firearm or shotgun certificate holder.
14. If a GP has concerns about a certificate holder's medical fitness during the validity of the certificate they should make these concerns known to the police. This might be, for example, if a certificate holder experiences deterioration in their health due to the onset of depression. This action will enable the police to make further enquiries and take a decision on the ongoing suitability of the person concerned to possess guns.
15. The GP should seek the consent of the certificate holder to make this disclosure, unless there is a compelling reason for not doing so, for example, because it could increase the risk of harm to the certificate holder or others. If consent is refused, the GP may disclose information if it is in the public interest to protect individuals or society from risk of serious harm.
16. If the police consider that they need a medical report in order to be able to make their decision on whether a person continues to be suitable to possess a gun, they will request this from the GP and pay for the report.
17. When a person ceases to be a certificate holder, either through their certificate expiring or being revoked or cancelled, the police will contact the GP within one month to advise them of this and ask them to inactivate the encoded reminder.

## Necessity and Proportionality

18. During the application process, the police may require the applicant to obtain a medical report if they have concerns about the medical fitness of the applicant in relation to their possession of firearms following the declaration of a medical condition.
19. It is not necessary or proportionate for the police to request a report in all cases where the applicant has declared a medical condition, but only where the circumstances of the condition/s indicate there may be a risk to public safety.
20. GPs will respond to requests from the police in relation to those applications where the police consider that a medical report is necessary to assist with their further consideration of the application. GPs will provide factual information based on the applicant's medical records and condition. GPs are not expected or required to make an assessment as to whether the applicant is fit to possess a gun, though it is open to them to do so.
21. There may be instances when a GP wishes to communicate their concerns about an individual's access to guns, even though the person concerned has not sought treatment for one of the relevant conditions listed on the application form and police letter. For example, if there are concerns about domestic violence, or if the GP is aware that a person has access to firearms but is not a certificate holder. In these circumstances information may be shared with the police on the basis that the applicant has given their consent on the application form, or on the basis that it is in the public interest.
22. There may also be instances where the certificate holder contacts the police in relation to their medical fitness, or where a third party contacts the police with concerns about a certificate holder's suitability to possess firearms. In such cases GPs may share

information with the police on the basis that the applicant has given their consent on the application form, or because it is in the public interest.

23. Information should only be shared where it is strictly necessary to the intended outcome and is proportionate to it. Key to determining the necessity and proportionality of sharing information will be the GP's professional judgement of the risks posed to an individual or the public by the person's possession of a firearm. This is commensurate with the general duty on doctors to protect and promote the health of patients and the public.

## Responsibility for assessment of firearm and shotgun applications

24. The police are responsible for deciding whether an individual should be permitted to hold a firearm or shotgun certificate, taking into account the information available to them. This duty lies with the police on the basis of the provisions in the Firearms Act 1968.

## Sharing of data by public bodies

25. The sharing of data by public sector bodies must satisfy the requirements of the Data Protection Act, the Human Rights Act and the Common Law Duty of Confidentiality.
26. The information collected by organisations must comply with the relevant national guidelines and/or legislation for the management of information. For the police these are outlined in the Management of Police Information (MOPI) 2010, in particular section 7 which relates to the review, retention and disposal of information. For GPs, these are covered by the General Medical Council guidance and the NHS Code of Practice.

## Summary of medical fees

During the application process

- Where a medical report is required due to the applicant declaring a medical condition – the applicant will pay the fee.
- If a further medical report is required – the police will pay the fee.

During the validity of a firearm or shotgun certificate

- Initial check of patient record in response to standard police letter – there is no expectation of a fee.
- Where a medical report is required due to the GP raising concerns or because the police require sight of a medical report for another reason – the police will pay the fee.

# Annex B: GP and Police Information Sharing: Process

## Completion of application form

1. The applicant is required to declare any relevant medical conditions on the firearm and shotgun application form. (This is in relation to the issue of a firearm or shotgun certificate in accordance with sections 1 and 2 of the Firearm Act 1968.) They send the application to the police.
2. If the applicant has declared a relevant medical condition (see list of relevant medical conditions below) the police may ask the applicant to obtain and pay for a medical report to assist with their consideration of medical suitability. The medical report should be provided to police normally within one month of their request. If a further medical report is required the police will pay for this.

## Police make decision on application

3. Having carried out the necessary checks which will in some cases include visiting and interviewing the applicant, the police decide whether to approve or refuse the firearm or shotgun application. In coming to their decision they take into account all the facts of the case and the evidence before them, including medical information.

## Letter from police to GP following certificate grant

4. Following grant of the certificate the police will contact each certificate holder's GP to ask them to place an **encoded reminder** on the patient record so that the GP is aware the person is a firearm certificate holder. The code indicates that the person concerned 'has a shotgun certificate' and/or 'has a firearm certificate.' This enables the GP to inform police if they have concerns about the person's medical fitness which arise during the validity of the certificate. The letter explains that the police will inform the GP if the certificate subsequently lapses or is revoked or cancelled.
5. In most cases the GP will not have been contacted by police during the application process (as this will usually only happen if the applicant has declared a medical condition), and the letter will normally ask if the GP has concerns about the person's possession of a firearm certificate or if they have suffered from a relevant medical condition (over the previous five years) which could affect their suitability to safely possess a firearm or shotgun certificate. There is no expectation of a fee being charged for this check.
6. The letter from the police to the GP sets out the following conditions which could affect a person's suitability to possess a firearm or shotgun:
  - Acute Stress Reaction or an acute reaction to the stress caused by a trauma
  - Suicidal thoughts or self harm
  - Depression or anxiety
  - Dementia

- Mania, bipolar disorder or a psychotic illness
- A personality disorder
- A neurological condition: for example, Multiple Sclerosis, Parkinson's or Huntington's diseases, or epilepsy
- Alcohol or drug abuse
- Any other mental or physical condition which may affect the safe possession of firearms or shotguns.

## GP responds to police letter and indicates if they have concerns

7. The GP should respond to the police by letter or email within 21 days to indicate whether they have concerns. If the GP indicates that they have concerns or there are relevant issues the police may request and pay for a medical report. If the GP does not respond to the police letter, the police may conclude that the GP has no concerns.

## Encoded reminder: GP can contact police if medical issue arises

8. During the validity of the firearm or shotgun certificate the presence of the encoded reminder will enable the GP to discuss the issue with the patient and consider notifying the police if a person's health gives rise to concern, or if they begin to be treated for a relevant condition. If the police request a medical report during the validity of the certificate they will meet the cost of this. The medical report should be provided to the police and copied to the applicant normally within one month.

## Police advise GP if licence expires or is revoked

9. If the certificate holder ceases to have a firearm or shotgun certificate, whether as result of expiry or because the certificate has been revoked or cancelled, the police will inform the GP within one month, and the GP will then inactivate the firearm code.

## Summary of medical fees

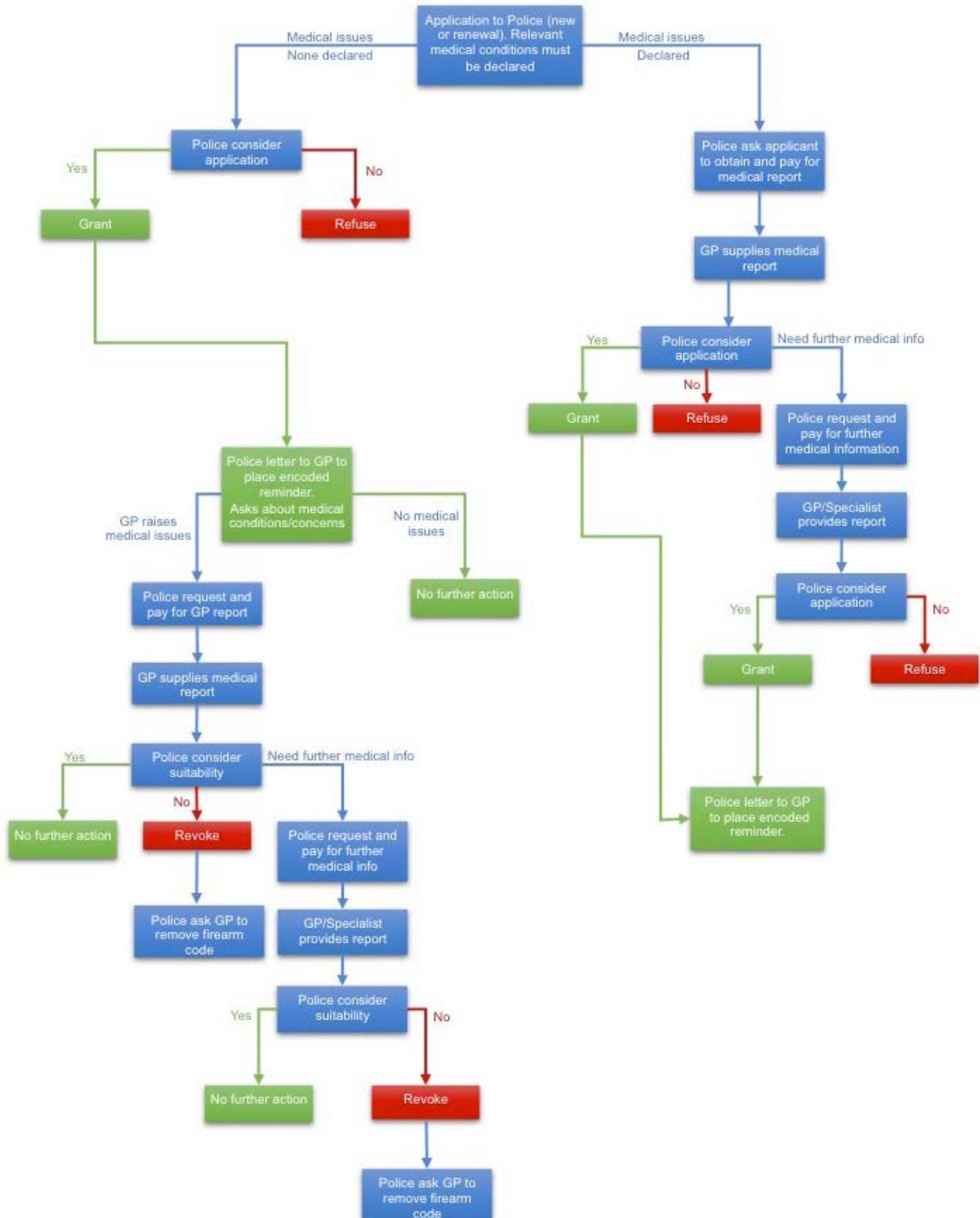
During the application process

- Where a medical report is required due to the applicant declaring a medical condition – the applicant will pay the fee.
- If a further medical report is required – the police will pay the fee.

During the validity of a firearm or shotgun certificate

- Initial check of the patient record in response to the standard police letter – there is no expectation of a fee.
- Where a medical report is required due to the GP raising concerns or because the police require sight of a medical report for another reason – the police will pay the fee

# Annex Bi: Firearms Licensing: application process and firearm reminder code



# Annex C: Firearms Licensing and Medical Evidence: Factsheet

## New referral system of medical suitability of gun owners

A safer system for firearms licensing is being introduced in April to improve information sharing between GPs and police and reduce the risk that a medically unfit person may be able to possess a firearm or shotgun.

### From 1 April 2016:

- **On the grant or renewal of a firearm or shotgun certificate police will ask every certificate holder's GP if the patient suffers from specific health issues (see below).**
- **GPs will be asked to place a firearm reminder code on the patient's record.** This means the GP will know the person is a gun owner, and they can inform the police licensing department if the patient's health deteriorates after the certificate is granted.
- **New guidance is being published to help GPs and police operate the new system, and to inform certificate holders and applicants.** Responsibility for deciding if a person is suitable to hold a firearm or shotgun certificate remains with the police.

## Why is the system changing?

The new system has been developed following recommendations for change from coroners and the IPCC, and after the British Medical Association voiced concerns about weaknesses in the current process. It has been developed by the police and GP representatives, in conjunction with shooting organisations and the Information Commissioners Office.

Further improvements are planned for introduction later this year when police will contact each applicant's GP during the application process instead of after the certificate is granted. Guidance will be issued prior to introduction of these additional improvements.

## What types of application will the new system apply to?

The new system will apply to every application for the grant or renewal of a firearm or shotgun certificate in England and Wales on or after 1 April 2016.

## Will these changes be introduced across the UK?

The new system will be introduced in England and Wales on 1 April. Because processes in Scotland may differ, separate guidance is being issued regarding medical information in Scotland. The firearm and shotgun application forms apply in England, Wales and Scotland. The new system does not apply to Northern Ireland which has separate firearms legislation and processes.

## What fee will the GP charge for the report if one is needed?

The level of any fee charged will depend on factors including the amount of time spent by the GP in compiling the report.

## If a medical report is needed, who will pay?

### During the application process

- Where a medical report is needed because the applicant has declared a medical condition on the application form – the applicant will pay the fee.
- If a further medical report is required – the police will pay the fee.

### During the validity of a firearm or shotgun certificate

- Initial GP check of the patient record in response to the standard police letter – there is no expectation of a fee.
- Where a medical report is needed because the GP has raised concerns or because the police require sight of a medical report for another reason – the police will pay the fee.

## Will applicants still need to declare on the application form if they are suffering from a medical condition which could affect their ability to possess a gun safely?

Yes, applicants will still need to declare relevant medical conditions (and these are listed in the Notes to Form 201 and below).

## What medical conditions must be declared?

### Relevant medical conditions are:

- Acute Stress Reaction or an acute reaction to the stress caused by trauma
- Suicidal thoughts or self harm
- Depression or anxiety
- Dementia
- Mania, bipolar disorder or a psychotic illness
- A personality disorder
- A neurological condition: for example, Multiple Sclerosis, Parkinson's or Huntington's diseases, or epilepsy
- Alcohol or drug abuse
- Any other mental or physical condition which might affect your safe possession of firearms or shotguns

## How will introduction of the GP firearms code make the process safer?

At present there is no system in place to remind the GP that their patient is a gun owner. A person could be medically fit when they are granted a certificate (which lasts for five years), but their health could deteriorate later on. The reminder code enables the GP to discuss the issue with the patient and if necessary inform the police, who can then review the person's suitability.

## How long will the firearms code stay on the patient record?

The 'live' firearm code will remain on the patient record while the firearm or shotgun certificate is valid. Police will inform GPs when certificates are revoked, cancelled or expire so that GPs can inactivate the firearm code. The code and any information related to it will remain indefinitely on the patient record but in an 'inactivated' state.

## Why have the firearm and shotgun application forms been amended?

The forms have been amended to reflect the new process and so that applicants understand how their medical information may be shared between GPs and police. The new firearm and shotgun application form is Form 201, and this also contains the Notes which will assist with completing the application. The new firearm variation form is Form 201V.

## Will police still accept applications made on the old application form?

Applications may be submitted to police on the old application forms provided that they are received by the police on or before 1 June 2016. After this transitional period the new application forms must be used. The new forms can be downloaded from police websites and may be typed or handwritten.

## What happens if my GP does not want to operate the new system?

Another GP in the practice can provide the information. If this is not possible, you should discuss this with the police firearms licensing department. Applicants and certificate holders should not be disadvantaged if their GP does not provide the information needed.

## Will this mean the grant/renewal process will take longer than it does now?

No. From 1 April each certificate holder's GP will be contacted by police following grant of the certificate. Liaison between the police and GPs prior to grant of the certificate will occur in a minority of cases, as happens now.

## How will I know that information about guns in my house will not fall into the wrong hands?

Due care will be exercised by GP practices in relation to information about firearms in the same way that sensitive medical information is handled.

## Where can I obtain more detailed information about the new system?

Guidance documents setting out how the new process works are available on Gov.UK as part of the Home Office Firearms Guide.

