



Home Office

BUILDING A SAFE, JUST
AND TOLERANT SOCIETY

Firearms Law

Guidance to the Police

2002

FIREARMS LAW

GUIDANCE TO THE POLICE

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Chapter 1

INTRODUCTION

1.1 Just over ten years have passed since the last edition of “Firearms Law: Guidance to the Police”. Those years have seen major changes to the legislation governing the possession and transfer of firearms. There have been no less than four Acts of Parliament, four Orders, one set of Regulations and one set of Rules in this intervening period.

1.2 The aim of this revision is to provide consolidated guidance to the police on firearms legislation, taking into account all the recent legislative and policy changes. It must be stressed that this is not a definitive statement of the law but a cohesive explanation of the often complex area of firearms licensing.

1.3 The guidance is in a similar format to the earlier edition. This existing format offers a straightforward guide through the different subject areas and has the benefit of familiarity to those likely to use this guidance. There are new chapters dealing with antique firearms, historic firearms, a person’s fitness to be entrusted with a firearm, “good reason” to possess a firearm, law on the shooting of birds and animals and the 1991 EC Directive on the acquisition and possession of firearms.

1.4 The guidance is intended to assist consistency of practice between police forces and encourage an informed understanding among firearms users of the considerations involved in the application of the Firearms Acts. In operating the licensing system that underpins these laws, chief officers of police should also aim to provide cost-effective systems that ensure the speedy and efficient processing of applications, mindful of good practice and best value in their service

provision. However, the wider interests of public safety remain paramount.

1.5 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 Guidance is available to all police officers and civilians directly involved in the licensing processes. Where difficulties arise, advice should be sought from the firearms department at the appropriate police force.

1.6 The Secretary of State and the Scottish Ministers attach great importance to the consistent administration of the Acts, as does the Association of Chief Officers of Police. All forces should seek to comply with the advice and guidance and follow the procedures set out in this document. However, chief officers of police are the ultimate authority responsible for the administration of the legislation in their force area, and it may be necessary to depart from the guidance when each case is assessed on its merits and the circumstances justify such a course of action. In such circumstances, chief officers for the force concerned will need to be able to justify their decision.

1.7 Police records of certificate holders and their firearms should be relevant, accurate and up to date whether held in computer or other format. The Firearms Rules 1998 prescribe the form of firearm and shot gun applications, certificates, permits and other forms. A list of Firearms Forms is at Appendix 2. If non-statutory forms are used, they should be clearly marked to indicate their status.

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1.8 This guidance deals in detail with England, Wales and Scotland (legislation on firearms is reserved to the Westminster Parliament). Firearms law is different in Northern Ireland and Chapter 26 provides further information. However, this focuses more on arrangements for the transfer of firearms and ammunition between the mainland and Northern Ireland. Firearms law also differs in the Isle of Man and the Channel Islands. The contacts listed in Appendix 1 should be consulted for further information.

1.9 Chief officers of police will also need to be mindful of the Human Rights Act 1998. The guidance contained in this document, and the underlying legislation, has been subject to an internal Home Office audit and we believe it to be consistent with the terms of the Human Rights Act. This document will also be subject to a process of continuing review and will be updated as and when necessary. However, chief officers will want to satisfy themselves that internal firearms licensing procedures are also compatible.

1.10 The following should be noted:

- References to the “1968 Act” mean the Firearms Act 1968;
- The “1982 Act” means the Firearms Act 1982;
- The “1988 Act” means the Firearms (Amendment) Act 1988;
- The “1992 Regulations” means the Firearms Acts (Amendment) Regulations 1992;
- The “1992 Act” means the Firearms (Amendment) Act 1992;
- The “1994 Act” means the Firearms (Amendment) Act 1994;
- The “1997 Act” means the Firearms (Amendment) Act 1997 (and, where relevant, the Firearms (Amendment) (No.2) Act 1997);
- The “1998 Rules” means the Firearms Rules 1998;
- The “EC Directive” means the 1991 EC Directive (91/477/EEC) on control of the acquisition and possession of weapons.

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Action Against Crime and Disorder Unit
Firearms and Explosives Section

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Chapter 2

DEFINITION AND CLASSIFICATION OF FIREARMS AND AMMUNITION

2.1 This Chapter provides definitions of firearms, shot guns, deactivated firearms, readily convertible replica firearms and 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”, “shot gun” 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 paragraph 2.17 below).

2.3 “Firearm” means a lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged, and includes any prohibited weapon, whether it is such a lethal weapon or not, any component part (see paragraphs 13.69 and 13.70) 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. Lethality is a complex issue and although case law exists (*Moore v Gooderham (1960)*), only a court can decide whether any particular weapon is capable of causing a (potentially) lethal injury and therefore is a “firearm” for the purposes of the Acts. The Forensic Science Service 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 sprays, which are prohibited items under the terms of section 5 of the 1968 Act (see Chapter 3 for further information).

2.4 “Shot gun” 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. In law, 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. (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 – see paragraphs 2.10 and 2.11 below); and
- c) is not a revolver gun (that is, a gun containing a series of chambers which revolve when the gun is fired).

2.5 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, 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 “shot guns” in the 1968 Act may be taken generally to mean section 2 shot guns, rather than those subject to sections 1 and 5 of the 1968 Act, unless otherwise stated.

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2.6 While overall length is not a relevant factor in regard to the classification of traditional single and double-barrelled smooth-bore guns and repeating shot guns 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 shot gun, not otherwise prohibited by virtue of its barrel length or overall length, with a magazine capacity in excess of two cartridges.

2.7 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 “shot gun”, smooth-bore revolver guns which are chambered for 9mm rimfire or muzzle-loading guns are “firearms” and subject to control under section 1 of the 1968 Act.

2.8 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 “shot gun” also includes any component part of a shot gun and any accessory to a shot gun 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 shot gun is not a shot gun. See section 57(1) of the 1968 Act.

2.9 “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 will 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”. The only exception to this is the missiles for ammunition prohibited under section 5 of the 1968 Act, for example expanding or armour-piercing bullets. Such missiles are themselves regarded as “ammunition” and are subject to control accordingly.

Proof House certification of adapted shot guns

2.10 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 2(3) of the 1988 Act.

2.11 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. 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. We take the view that 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

2.12 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.

2.13 De-activation specifications were first set by the Home Office in 1989. New specifications came into force on 1 October 1995 but are not retrospective. Therefore, a gun de-activated prior to 1 October 1995 to the old specifications remains de-activated for legal purposes.

2.14 The 1995 specifications encompassed a substantially greater range of firearms design, and are generally more stringent than the preceding (1989) standards.

2.15 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 Shot Gun 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 new specifications allow for agreement on alternative standards to be an on-going process.

2.16 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.

Readily convertible replica firearms

2.17 As indicated in paragraph 2.2, 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". 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.

2.18 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.

Guidelines on the 1982 Act

2.19 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 the Gun Trade Association.

Imitation Firearms

2.20 Information on the status of model firearms which have been examined by the Forensic Science Service is supplied to police forces from time to time.

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Offences involving imitation firearms

2.21 The 1994 Act amended certain of the provisions of the 1968 Act regarding imitation firearms.

2.22 Section 1 of the 1994 Act created an offence of possessing 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.

2.23 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 each liable to a maximum penalty of 6 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 warrant) to provide for the seizure of imitation firearms as well as real firearms.

Small firearms (the 1997 Act)

2.24 The 1997 Act prohibited 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.

Antiques

2.25 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 kept 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 elsewhere in this document (see 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 would apply.

Firearms and ammunition for which no certificate is required

2.26 Firearm and shot gun certificates are required in respect of the majority of firearms and ammunition. However, the following types are exempt:

- i) Air weapons and ammunition for air and gas-operated weapons

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 or the Firearms (Dangerous Air Weapons) (Scotland) Rules 1969.

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.

If there is doubt about a particular model, police forces should seek advice from the

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Forensic Science Service. 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. The Forensic Science Service can offer help and advice.

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) are thus exempt from the firearm certificate procedure. Firearms using other gases are not so exempt.

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”.

Ammunition for air guns and other weapons using compressed gas is exempt from the certification procedure.

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

See paragraphs 2.12 to 2.16.

iii) Shot gun cartridges

A shot gun certificate is not required to possess or acquire shot gun 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 shot gun certificate

(or firearm certificate authorising possession of a section 1 shot gun) is normally required to purchase shot gun cartridges. All single bulleted ammunition, for example solid slug, spherical ball or projectiles for birdscaring equipment, is subject to the requirement for a firearm certificate.

iv) Blank cartridges

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

v) Display Boards and decorative purposes

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.

2.27 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 would also still be 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

2.28 When considering whether a particular weapon should be regarded as a firearm to which section 1 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:

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- 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).

Conversion of firearms

2.29 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.

2.30 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.

2.31 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 shot gun) 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 shot gun or an air weapon.

2.32 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. 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 of the 1968 Act, as modified by the Transfer of Functions (Prohibited Weapons) Order 1968 and amended by the 1988 Act, the 1992 Regulations and the 1997 Acts makes it unlawful to manufacture, sell, transfer, purchase, acquire or possess, without the authority of the Secretary of State, any prohibited weapon or 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 (excluding any detachable, folding, retractable or other moveable butt-stock) 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));
- 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 signalling apparatus (section 5(1)(ae));
- vii) any weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas or other thing (section 5(1)(b));
- viii) 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 (vii) 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));
- ix) any firearm which is disguised as another object (section 5(1A)(a));
- x) any rocket or ammunition not falling within (viii) 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));
- xi) any launcher or other projecting apparatus not falling within (vi) above and which is designed to be, or has been, incorporated in any launcher or other projecting apparatus not falling within (vi) above which is designed to be used with any rocket or ammunition falling within (x) above or with ammunition which would fall within that paragraph but for its being ammunition falling within (viii) above (section 5(1A)(c));

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- xii) 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));
- xiii) 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));
- xiv) any ammunition which incorporates a missile designed or adapted to expand on impact (section 5(1A)(f));
- xv) 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 xii, xiii and xiv above); or any ammunition which would fall within any of those paragraphs but for it being specified at (viii) above (section 5(1A)(g)).

3.3 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.

3.4 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.

3.5 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. Any detachable, folding, retractable or other movable butt-stock should be disregarded for the purposes of measurement. Any long-barrelled pistols with dimensions greater than those stipulated in section 5(1)(aba) of the 1968 Act (such as the long barrelled Uberti Cattleman revolver) are not caught by this section of the Act and may legally be held on a firearm certificate.

3.6 Category (iv) covers short-barrelled or short overall length pump-action and self-loading shot guns, which may have folding or retracting shoulder stocks.

3.7 Category (v) covers most smooth-bore revolver guns though an exception is made for the so-called “ratting 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 amended 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”.

3.8 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.

3.9 For category (vii) 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

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this category because they are not designed or adapted as weapons. This section not only includes flame throwers 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).

3.10 Category (viii) 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.

3.11 Category (ix) was introduced primarily to control walking stick shot guns, 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.

3.12 Category (x) 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.

3.13 Category (xi) refers to such things as launch tubes fitted to fixed- or rotary- wing aircraft for category (x) 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.

3.14 Category (xii) 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.

3.15 Category (xiii) 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.

3.16 Category (xiv) 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, clean 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, such as the Sierra Match King, are not prohibited, neither are flat-nosed bullets designed to be used in tubular magazines. This is to prevent magazine explosions caused by a pointed bullet resting on the primer of the cartridge ahead of it. All bullets will distort on impact, but only those which were designed or adapted to do so in a predictable manner fit this category.

3.17 Category (xv) 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 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. However, where a certificate holder requests large quantities of bullets, it should be remembered that the total number of bullets authorised

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counts towards their overall limit on possession of expanding ammunition. The exception to the rule on listing bullets separately on a 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 may be listed separately to help avoid unnecessary stockpiling of complete rounds. It is not necessary for the dealer making the sale to record transactions of expanding bullets on the certificate but the sale should be recorded in the dealer's register.

3.18 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; 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.

Authorities under section 5 of the 1968 Act

3.19 In England and Wales, the Home Secretary is the Minister responsible for granting authorities. Applications for authority to manufacture, sell, transfer, purchase, acquire or possess prohibited weapons or prohibited ammunition are processed by the Home Office. Those who wish to apply should write to the Home Office, AACDU, Firearms Section, 50 Queen Anne's Gate, London, SW1H 9AT. In Scotland, the Scottish Ministers are the responsible body. Applications are processed by the Scottish

Executive, Justice Department, Police Division, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD (references in the remainder of the guidance to the Home Office should also be taken to mean the Scottish Executive). Exemptions from the requirement to possess the Secretary of State's authority to possess prohibited items are set out in paragraphs 3.27 to 3.33.

3.20 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 would 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.

3.21 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 to the Home Office or the Scottish Executive Justice Department any circumstances that might justify revoking an authority.

3.22 When an application for renewal of an authority is received, the Home Office or the Scottish Executive Justice Department 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.

3.23 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 a valid authority from the Secretary of State, the application should be refused and the individual required to surrender the weapon or ammunition immediately.

3.24 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 Executive Justice Department as soon as possible.

3.25 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, television or 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.

3.26 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 Executive Justice Department (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 the Department which first granted it 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

3.27 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, persons employed by a police authority acting under the direction and control of a chief officer of police, 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.

3.28 Since the 1968 Act created section 5, it has been significantly updated by section 1 of the 1988 Act, section 3 of the 1992 Regulations and sections 1 and 9 of the 1997 Act. 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.

3.29 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

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suitably conditioned, valid firearm certificate or permit. The weapons and ammunition listed under section 5(1A) are those in categories (ix) to (xv) 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 subsection 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.

3.30 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:

1. the lawful shooting of deer;
2. the shooting of vermin or, for the purposes of estate management, other wildlife;
3. the humane killing of animals; and
4. the shooting of animals to protect other animals or people.

3.31 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. Zeroing might also include training and testing, whether on a rifle range or other suitable land. These exemptions apply only to use in Great Britain, not overseas.

3.32 The possession of expanding ammunition for target shooting or any competition use is not allowed. Applicants wishing to possess expanding ammunition for any other purposes (for example, to zero a large calibre rifle for big game hunting abroad) should also be refused (see also paragraph 3.17). 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 and purchase.

3.33 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 and hunt servants 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.

Definition

4.2 Section 9 of the 1997 Act extended the prohibition on expanding ammunition from pistol ammunition only to cover all types of expanding ammunition. Thus section 5(1A)(f) of the 1968 Act now prohibits any ammunition which incorporates a missile designed or adapted to expand on impact and section 5(1A)(g) prohibits the bullets for such ammunition (expanding missiles, in the words of the Act).

4.3 The words designed or adapted are the important ones here. 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 affected by the legislation.

Exemptions

4.4 Section 10 of the 1997 Act amended section 5A(4) of the 1968 Act to exempt from the general prohibition on expanding ammunition people who use it for specific purposes. The exemptions cover those people who use expanding ammunition for the:

1. lawful shooting of deer;
2. shooting of vermin or, in the course of estate management, other wildlife;
3. humane killing of animals; and
4. 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 paragraphs 3.31 and 4.7). These exemptions apply only to use in Great Britain, not overseas.

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 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, such as running deer 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

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(see also paragraph 3.17). Consideration should though be given to each shooter's individual circumstances, particularly where re-loaders are acquiring missiles or where the shooter is a professional deerstalker.

4.8 The bulk purchase of ammunition for the purpose of economy is not acceptable as good reason for possession. Possession of 250 rounds with authority to acquire 200 rounds should generally be regarded as reasonable (but see paragraphs 4.7 and 13.28).

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 Guidance.

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 shot gun without holding the appropriate certificate. A certificate is not required to possess shot gun cartridges. 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, actors in theatrical, television or film productions, warehouse operatives or carriers (see Chapter 6) and those authorised under section 7 of the 1997 Act. See also paragraphs 6.13 and 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.

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 12.4 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 shot gun 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 (section 19 of the Firearms Act (Northern Ireland) 1969) effective in England, Wales and Scotland.
- b) The prohibition includes detention in a young offender 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.

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Paragraph 6 of Schedule 8 to the Criminal Justice Act 1988 amended section 21(1) and (2) of the 1968 Act by substituting “detention in a young offender institution” in place of “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. Under section 39(9) of the Criminal Justice Act 1967 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. In the case of a partly suspended sentence, subsection (2A) of section 21 (which was inserted by paragraph 9 of Schedule 9 to the Criminal Law Act 1977) provides that the five year prohibition from possessing a firearm or ammunition commences when the offender is released from the unsuspended part of their sentence and continues to run uninterrupted, not starting again even if the suspended part is later restored. Convictions overseas and periods of detention under the Mental Health Act 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 shot gun certificate. Even if a court does not make such an order, chief officers of police have the power to revoke a firearm or shot gun certificate in certain circumstances. In particular, when they are satisfied that the holder is of intemperate habits or unsound mind, 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 with a firearm or possess a firearm or shot gun without danger to the public safety or to the peace.

5.8 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 predisposed an element of trust (*Gordon -v- Northampton Crown Court 1999*).

5.9 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.

5.10 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

5.11 Any person wishing to possess, purchase or acquire any firearm or ammunition must hold a valid firearm or shot gun certificate (as appropriate) unless exempt under sections 7 to 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

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diameter (the exemption does not extend to the purchase of such ammunition);
d) blank cartridges not more than one inch in diameter.

5.12 Section 5 of the 1988 Act prohibits the sale of ammunition for a shot gun 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 shot gun certificate or a firearm certificate authorising them to possess a smooth-bore gun;
- b) shows that they are entitled to possess a shot gun or smooth-bore gun without holding a certificate; or
- c) produces a certificate 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 shot gun cartridges to be registered as a firearms dealer.

5.13 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).

Business and other transactions

5.14 A person commits an offence, if by way of trade or business they are engaged in the manufacture, sale or transfer of shot guns or firearms or ammunition to which section 1 of the 1968 Act applies and is not registered as a firearms dealer (see Chapter 16). This requirement extends to persons who repair, test or prove such firearms or ammunition.

5.15 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 shot gun, a person with a current shot gun certificate or a firearm certificate holder who possesses a section 1 shot gun;
- 4) in the case of section 2 (shot gun) ammunition, someone who produces another person's valid shot gun 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 shot gun certificates and notification to the chief officer of police of the sale etc. of a firearm or shot gun to a person who is neither a firearms dealer nor otherwise exempt from holding a certificate (section 42(1) of the 1968 Act, section 4(2) of the 1988 Act and sections 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 shot gun to a certificate holder from another force area, completing Table 1 on a firearm certificate and/or Table 2 on a shot gun certificate.

5.16 Section 33 of the 1997 Act requires that, within seven days of the transaction, the transferor and transferee must send, 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

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must contain a description of the firearm or shot gun (including any identification number), state the nature of the transaction and give the name and address of the other person concerned. A firearm or shot gun 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.

5.17 Section 34 of the 1997 Act requires that, on the de-activation, destruction or loss of any firearm to which a firearm or shot gun certificate or a visitor's firearm or shot gun 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 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).

5.18 If a firearm or shot gun is sold or otherwise disposed of outside Great Britain by a person whose acquisition or purchase of the firearm or shot gun was authorised by a firearm certificate or shot gun certificate, the person holding the certificate must notify the chief officer of police within fourteen days by recorded or special delivery or, if they are abroad, by the nearest available equivalent. The notification must contain a description of the firearm or shot gun (including any identification number) and the name and

address of the person to whom the gun was sold or disposed of.

5.19 If a firearm to which a firearm or shot gun 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 by recorded or special delivery.

5.20 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, 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.

5.21 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.

5.22 Further exemptions from the need to produce a certificate are made for persons collecting a shot gun 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 shot gun is entitled to possess it without a certificate.

Pawnbrokers

5.23 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 shot gun, a pawnbroker is not debarred from registration

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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

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

Records of transactions

5.25 Persons who by way of trade or business manufacture, sell or transfer firearms or ammunition to which section 1 of the 1968 Act applies, or shot guns, 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. The Act does not specifically require a registered dealer to be satisfied before purchasing a firearm to which section 1 applies, or a shot gun, that the vendor is in possession of a certificate for that firearm, but the dealer is required to record the transaction in the register.

5.26 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, and Rule 10(5) of the 1998 Rules amended paragraph 4 of that Schedule.

5.27 Section 38(8) of the 1968 Act provides for the surrender of a dealer's register 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

5.28 Persons who by way of trade or business manufacture, sell or transfer firearms or ammunition to which section 1 of the 1968 Act applies, or shot guns, 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, although these are not regarded as transfers and consequently notification to the police is not required.

5.29 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 shot guns but do not handle complete shot guns. 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 purchase, acquisition or possession in the ordinary course of the dealer's business anywhere in Great Britain. 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. A registered firearms dealer must have a firearm certificate or shot gun 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 shot gun, 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.

Miniature rifle ranges

6.3 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 a firearm certificate, purchase, acquire or have in their possession such miniature rifles and ammunition therefor. 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. This is to avoid high performance centrefire rifles such as the .220 Swift being defined as "miniature rifles" not exceeding .23 calibre. 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. 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 though 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). The Health and Safety Executive have also issued guidance on miniature rifle ranges at fairgrounds.

Persons in the service of the Crown and police

6.4 Section 54 of the 1968 Act is a general provision relating to all Crown servants and to persons who are members of a police

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force or persons employed by a police authority and who are under the direction and control of a chief officer of police (Section 42 of the Police and Magistrates' Courts Act 1994 extended this provision of the 1968 Act to police civilian employees). This exemption applies to police forces established by the Police Act 1964 and the Police (Scotland) Act 1967, and others, such as British Transport Police, are not covered. For the purposes of this section such persons are deemed to be in the service of Her Majesty. The effect of the section is that Crown servants and police officers who possess firearms and ammunition in their capacity as such do not require firearm certificates. 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 shot gun for their own private purposes. Although British Transport Police are not exempt under section 54 of the 1968 Act, the Secretary of State has granted a temporary section 5 authority to allow possession and use of CS incapacitant spray by members of that force.

6.5 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 shot guns, 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. 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 as to 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. Forest Enterprise (part of the Forestry Commission) owns a number of firearms for use by their employees countrywide. These firearms may be held at central locations or by employees who are authorised to hold specific guns. Lists are normally circulated annually to all forces as to which firearms are held by whom and at which location.

6.6 The question 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.

6.7 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

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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

6.8 The Visiting Forces and International Headquarters (Application of Law) Order 1965 (SI 1965 No 1536), 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

6.9 Members of cadet corps and their instructors are regarded as Crown servants in certain circumstances (see paragraph 18.28 for further details).

Museums

6.10 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

6.11 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 shot gun certificate. Visitors' permits are dealt with in Chapter 27 but briefly they allow a visitor to have possession of a firearm or shot gun and to purchase or acquire ammunition and shot guns 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 shot gun 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.

6.12 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

6.13 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 shot gun, 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 paragraph 15.2). If it does not specify possession only, it will be assumed by default that the permit allows use. Chapter 15 provides more information about the issue of permits.

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Shot guns

6.14 Section 11(5) of the 1968 Act allows an individual, without holding a shot gun certificate, to borrow a shot gun from the occupier of private premises and use it on those premises in the occupier's presence. The presence of the occupier is normally taken to mean within sight and earshot of the individual borrowing the firearm. 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'. In the absence of any firm definition for firearms purposes, it is suggested that each chief officer of police may wish to make use of this definition. 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.

6.15 Similarly, section 11(6) of the 1968 Act allows an individual, without holding a shot gun certificate, to use a shot gun at a time and place approved for shooting at artificial targets by the chief officer of police for the area in which that place is situated. As the approval of such time and place is prescribed by law and there may be duty of care issues involved, 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.

Borrowed rifles on private premises

6.16 Section 16(1) of the 1988 Act enables a person 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 shot gun as described in paragraph 6.14, in that the borrowed rifle can also be used in the presence of the servant of the occupier. However, 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. 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 estate to borrow and use a rifle without a certificate. The exemption does not extend to persons under the age of 17 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 and earshot.

6.17 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

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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. However, the details of the transaction need not be recorded on the certificate.

6.18 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 bases (and could include military training areas) and similar occasions, and does not allow civilians to handle firearms away from service premises, even under supervision.

Auctioneers, carriers, warehousemen and their servants

6.19 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 (see paragraph 6.23 below for more detail). When auctioneers are selling firearms or shot guns, 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 paragraph 5.15).

6.20 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 shot gun ammunition is outside the scope of this provision because its possession is not subject to certificate control.

6.21 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 “shot gun 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.

6.22 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 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

6.23 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 shot guns, 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. The prescribed form of permit requires the auctioneer 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. Because legislation is not specific on this subject, licensing authorities 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 shot guns and, for an appropriate period after the sale, to allow for unsold firearms/shot guns to be returned or otherwise disposed of.

Slaughtering instruments and ammunition

6.24 Persons licensed under section 39 of the Slaughterhouses Act 1974 or section 2 of the Slaughter of Animals (Scotland) Act 1928 may possess slaughtering instruments and ammunition for it without a certificate in any slaughterhouse or knacker's yard in which they are employed (section 10(1) of the 1968 Act). Furthermore, the proprietor of a slaughterhouse or knacker's yard may, without holding a certificate, possess a slaughtering instrument and ammunition for it in order to 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 does not permit purchase or acquisition of a slaughtering instrument or ammunition for it without a certificate (but see Chapter 20 as to the grant of free certificates).

6.25 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 instrument which the holder normally uses, as authorised by the certificate, is for any reason not 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.

6.26 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 in respect of a slaughtering instrument satisfy the chief officer of police that they may need occasionally to 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.

6.27 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 shot gun, 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

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yards in which they are employed or of which they are the proprietors.

6.28 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.

6.29 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.

Gun bearers

6.30 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 shot guns, 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 shot gun. The Courts have found that this exemption does not extend to unlimited transport of the firearms concerned, for example by a chauffeur driving from one town to another, in which instance a certificate or permit would be required.

Controlling races

6.31 Section 11(2) of the 1968 Act 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. The possession of ammunition is not authorised, but blank ammunition not exceeding one inch in diameter may be held without a certificate.

6.32 Under section 5 of the 1997 Act, no authority is required under section 5(1)(aba)

of the 1968 Act for a person to possess a firearm at an athletic meeting for the purpose of controlling races at that meeting. Furthermore, a person does not need authority under section 5(1)(aba) of the 1968 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. The reason for this exemption is that major athletics events require 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 qualified by passing the UK Technical Officials examination for starters, and completed their probationary period (or Grade 3 officials who have previously been granted a certificate and are applying for a renewal), are likely to be able to make out a case for possession of handguns. 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.

6.33 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 starter cannon must nevertheless be in possession of a firearm certificate.

Rifle and pistol clubs and cadet corps

6.34 These are dealt with separately in Chapter 18.

Firearms taken to and from Proof Houses

6.35 Under section 58 (1) of the 1968 Act any person carrying firearms to or from the proof houses is exempt from the provisions

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of the Act, so long as the firearms are being carried for the purposes of proof.

Theatrical, film and television productions

6.36 Section 12(1) of the 1968 Act authorises the possession, without holding a certificate, by any person taking part in a theatrical performance or rehearsal or in the production of a film, of a firearm during and for the purpose of the performance, rehearsal or production. (This may be taken to apply equally 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.

6.37 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).

6.38 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).

6.39 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.

6.40 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. 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. Section 12 does not extend to prohibited firearms. However, under section 12(2), the Secretary of State 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(1)(a) 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

6.41 No certificate is necessary to authorise the possession of firearms and ammunition 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) or a shot gun, to or from a ship for any purpose specified in the permit. Although there is no legal definition of what constitutes a "ship", 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.

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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

6.42 Section 13(1)(a) of the 1968 Act also applies to the possession of signalling apparatus (for example, Very pistols) and ammunition for it (but not to other types of firearms and ammunition) which are required as part of the equipment of an aircraft or an aerodrome. 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.

6.43 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.

6.44 A firearm certificate is necessary to authorise the purchase or acquisition of signalling apparatus and ammunition therefor but this may be issued free of charge (see also Chapter 20 on fees).

Birdscaring

6.45 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).

6.46 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 (rather than for signalling as part of the equipment of an aircraft or aerodrome), also attract a fee when held on certificate.

Chapter 7

YOUNG PERSONS

7.1 This Chapter explains how sections 22, 23 and 24 of the 1968 Act place restrictions on the purchase, acquisition and possession of firearms by, and the transfer thereof to, young persons. For ease of reference, Appendix 4 provides a summary of the legislative requirements in this area.

Persons under the age of seventeen

7.2 Sections 22(1) and 24(1) of the 1968 Act prohibit the purchase or hire by, and the sale or letting on hire to, a person under the age of 17, of a firearm or ammunition. For the purpose of these sections, the expressions “firearm” and “ammunition” include all classes of firearms and ammunition falling within the definitions of section 57(1) of the 1968 Act, and not only those to which sections 1 and 2 apply (see Chapter 2). In particular, this means that a young person under seventeen cannot buy a low-powered air weapon and/or ammunition for it.

7.3 Section 22(5) of the 1968 Act makes it an offence for any person under the age of seventeen to have an air weapon with them in any public place except:

- a) as a member of an approved club while engaged as such in or in connection with target shooting (Section 23(2)(a) of the 1968 Act); or
- b) while at a shooting gallery where only air weapons or miniature rifles not exceeding .23 inch calibre are used (section 23(b) of the 1968 Act); or
- c) where the air gun or an air rifle (but not an air pistol) is so covered with a securely fastened gun cover so that it cannot be fired;

It is an offence for a person under the age of seventeen to be in possession of an air

pistol in any public place except as at (a) and (b) above.

7.4 A public place for this purpose includes any highway and any other premises to which, at the material time, the public have or are permitted to have access, whether for payment or otherwise (section 57(4) of the 1968 Act). For example, a shop or a cinema would be a “public place” even though it was private property.

Persons under the age of fifteen

7.5 Under section 22(3) of the 1968 Act it is an offence for any person under the age of fifteen to have an assembled shot gun with them unless:

- a) they are either under the supervision of a person aged twenty-one or over; or
- b) 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, although this is clearly preferable.

7.6 The Act does not prohibit a person under fifteen from having a shot gun certificate. Nor does it exempt them from the need to have a shot gun certificate in order to have an assembled shot gun in their possession in the circumstances described above. It is for the chief officer of police to decide whether a shot gun certificate should be granted to a person under fifteen “without danger to the public safety or to the peace”, just as is the case if the applicant was over 15. Each case should always be assessed on its own merits. It is usual in such cases that the child’s parents, guardian or other responsible adult will supervise the young

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person and take responsibility for the gun when not in use.

7.7 Under Section 24(3) of the 1968 Act it is an offence to make a gift of a shot gun or ammunition for a shot gun to a person under the age of fifteen. The effect of this provision is to ensure that persons under 15 years of age may not be given guns of their own, which may otherwise tempt them to shoot unsupervised; it does not prevent them from being taught to shoot under supervision. 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 shot gun, not the young person who receives it.

Persons under the age of fourteen

7.8 Sections 22(2) and 24(2)(a) and (b) of the 1968 Act deal with persons under the age of fourteen and relate only to firearms and ammunition to which section 1 of the 1968 Act applies, which (by virtue of the 1982 Act) includes replicas which can be readily converted to fire. Under section 24(2)(a) such firearms may not be given or lent to a person under fourteen (though it is not an offence by the young person to receive them).

7.9 Section 22(2) prohibits persons under the age of fourteen from having with them any such firearms or ammunition except in circumstances where they are entitled by virtue of sections 11(1), (3) or (4) of the 1968 Act or section 15(1) of the 1988 Act to have possession of them without holding a firearm certificate. These include possession at rifle clubs, on a miniature rifle range or as a member of a cadet corps. Except in such circumstances, 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 (though it is not an offence by the young person to receive them).

7.10 Sections 22(4), 23(1) and 24(4) of the 1968 Act also deal with persons under the age of fourteen and relate to air weapons (that is, air guns, air rifles and air pistols). Under section 24(4)(a) it is an offence to

make a gift of an air weapon, or ammunition for it, to a person under the age of fourteen. It is not an offence on the part of the young person to receive the weapon or ammunition (see paragraphs 7.11 and 7.12 below).

7.11 Under section 22(4) of the 1968 Act it is an offence for a person under the age of fourteen to be in possession of an air weapon, or ammunition for it, except:

- a) as a member of an approved club while engaged as such in or in connection with target shooting (section 23(2)(b)) of the 1968 Act; or
- b) while at a shooting gallery where only air weapons or miniature rifles not exceeding .23 calibre are used (section 23(2)(b) of the 1968 Act); or
- c) while shooting under the supervision of a person aged twenty-one or over on private premises (including land), and providing that the missile is not fired beyond those premises (section 23(1)(a) of the 1968 Act).

Under section 23(1)(b) of the 1968 Act it is an offence for the supervisor to allow the person under fourteen to use an air weapon for firing any missile beyond the premises.

7.12 It is an offence under section 24(4)(b) of the 1968 Act to part with the possession of an air weapon, or ammunition for it, to a person under the age of fourteen except where they are entitled to have it with them by virtue of the exemptions mentioned above.

7.13 Section 24(5) of the 1968 Act provides that, in proceedings for an offence under any of the provisions 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 ground for the belief.

Acquisition and possession by young persons

7.14 A person under fourteen may not be granted a firearm certificate in any circumstances. However, there may be some occasions where a parent is granted such a

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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.

7.15 A person under seventeen is prohibited by section 22 of the 1968 Act from purchasing or hiring any firearm or ammunition defined by sections 57(1) and (2) of that Act, or as defined by section 1 of the 1982 Act (readily convertible replicas). This includes convertible imitation firearms, smooth-bore guns, air weapons, shot cartridges, blank ammunition and pellets for air weapons. There are ways that they can legitimately acquire (for example, by accepting these as a gift or by borrowing) the firearms and ammunition exempted from sections 1 and 2 of the 1968 Act (that is, air weapons not declared specially dangerous), but their possession of them is limited in the ways indicated in paragraphs 7.2 to 7.4. They may also acquire other than by purchase or hire, firearms or ammunition to which section 1 of the 1968 Act applies, providing that they are in possession of a valid firearm certificate which applies to the firearms or ammunition concerned.

7.16 A person over fifteen but under seventeen may similarly acquire, other than by purchase or hire, shot guns to which section 2 of the 1968 Act applies providing that they are in possession of a valid shot gun certificate.

7.17 It follows from what is said in the previous paragraph that a firearm certificate may not be granted to a person between the ages of fourteen and seventeen to allow them to purchase or hire firearms or ammunition. A certificate can be granted authorising possession, as well as acquisition in other ways (for example by borrowing or by receiving as a gift). The form of application for both firearm and shot gun certificates requires the applicant to state their date of birth.

7.18 A young person holding a firearm or shot gun certificate may reach the age of seventeen during the life of the certificate. In these cases, it must be made clear to the holder that they may not purchase or hire any firearm or ammunition before the date of their seventeenth birthday. This advice should take the form of a notice added to the certificate (see Appendix 3).

7.19 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 seventeen, 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 shot gun to which section 2 of the 1968 Act applies for presentation to a young person between the ages of fifteen and seventeen. In some cases the parent or other adult may wish the firearm to appear on both certificates so that they can supervise the young person concerned. However, the supervisor of a young person over the age of fourteen need not be a certificate holder, and those under the age of seventeen and over the age of fourteen need not be supervised at all times.

7.20 The gift of a firearm or ammunition to which section 1 of the 1968 Act applies by the donor to the young person must be notified, in accordance with section 42(1) of the 1968 Act, to the chief officer of police who issued the certificate to the young person or in the case of a shot gun, in accordance with section 4(2) of the 1988 Act.

Chapter 8

ANTIQUÉ 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. 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.

8.2 In issuing guidance on this matter, the Home Office has always taken the view that this term 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.

8.3 In making recommendations on this issue, the Firearms Consultative Committee (FCC) started from the premise that public safety considerations must be uppermost, and those arms which are commonly used in crime should remain subject to certificate control, irrespective of age.

8.4 It remains the case that 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. The intent to fire the gun concerned, even with blank charge or ammunition (for example for the purposes of historical re-enactment displays), would take it beyond the terms of “curiosity or ornament”. This does not preclude the possession of such firearms on certificate for the purposes of collection and occasional

firing. Where the “good reason” for possession is collection and not target shooting, section 44 requiring membership of a club to be named on the certificate is not applicable. In the case of such firearms which might otherwise benefit from section 58(2), but where the owner wishes to fire them for test, research, re-enactment, target shooting or competition purposes, no test of frequency of use should be applied: the primary reason for possession may be collection, and the owner may properly not wish to subject such an arm to the wear and tear of regular use. An antique may therefore be brought on to certificate or removed, as the case might be, from time to time or where there is a change in ownership. A signed statement of intent 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.

Part I: Old weapons which should benefit from exemption as antiques under section 58 (2) of the Firearms Act 1968

8.5 Pre-1939 weapons 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 4mm, 5mm, .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);

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- d) Breech-loading centrefire arms originally chambered for one of the obsolete cartridges listed in Appendix 5 and which retain their original chambering;
- e) Shot guns 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 shot guns with bores greater than 10. It also includes vintage (pre-1939) rifles in these bores.

Note (i) – 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 curio or ornament.

Note (ii) – 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 shot gun 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 under section 58(2) of the Firearms Act 1968

8.6 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) Shot guns and smooth-bored guns, including shot pistols, chambered for standard shot gun cartridges, .22 inch, .23 inch, 6mm and 9mm rimfire cartridges;
- b) Rifles and handguns chambered for 4mm, 5mm, .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 shot gun cartridges or cartridges not listed in Appendix 5;
- e) Extensively modified weapons;
- f) Signalling pistols chambered for 1 and $1\frac{1}{2}$ 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 that original chambering, may benefit from exemption as antiques under section 58(2) of the 1968 Act (as amended).

Chapter 9

HISTORIC HANDGUNS

9.1 The Firearms (Amendment) Act 1997 places most handguns in the category of “prohibited weapons”, which 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. However, this guidance has no statutory or legal authority. Decisions as to 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 to decide.

9.3 If the owner of a firearm 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 is as follows:

Section 7: Firearms of historic interest:

(1) *The authority of the Secretary of State 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 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.

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

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9.5 In broad terms, section 7 divides historic pistols, 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;
- ii) the actual gun (not just the make or model) must have been manufactured before 1 January 1919; and
- iii) 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)(a) applies. In the interests of brevity and clarity, this has been drafted as a list of firearms which are not covered by section 7(1) and may not be kept at home. 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):

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:

*.22" rimfire
.25" Auto/6.35mm
.25" – 20
.32" Auto/7.65mm
.32" – 20 / .32" Winchester*

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

9.9 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 calibres 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 is readily available. However, guns of these types might benefit from the terms of section 7(3).

9.10 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.

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

*Adams revolvers
Tranter revolvers
Lancaster four and two-barrelled pistols
("howdah pistols")*

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Kynoch revolvers
Wilkinson revolvers
Enfield Mk I and Mk II .476 service revolvers
Colt: Model 1873 and Model 1878 revolvers in .450, .455 and .476 calibre
Smith & Wesson Model No.3 revolver in .450, and .455 calibre
Smith & Wesson .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.
Webley No.4 and No. 4 1/2 (the Webley Pryse revolver), Wilkinson Model 1892, Webley Kaufman, Webley WG models 1889, 1891, 1892, 1893, Webley WG Army Model, Webley WG target model
Webley pistols chambered for .455 self-loading (rimless) cartridges
Dutch 10mm model 1894

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

Astra: 400, 600 and 900 pistols
Beretta: M 1934 pistol M 1935 pistol
Browning FN: Model 1922 pistol, Model 1935 (also known as GP, Grand Puissance or High Power) in 9mm Parabellum
Colt: Official Police and Detective Special revolvers
Enfield: Service revolvers No. MkI, MkI* and MkI**
Frommer: Model .37 pistol
MAB: Model D pistol
Mausser: Model 1934 pistol and Model HSC pistol
Radom: VIS 35 pistol
Sauer: Model 38 H pistol
Smith & Wesson: Military and police revolver in .38 – 200 calibre
Star: Model B pistol
Tokarev: Model TT 33 pistol
Walther: Model PP and Model PPK pistols, P38 pistol in 9mm Parabellum
Webley: Mark IV revolver
Unique: M17 pistol

9.13 Certain Models were made during the 1918–1919 period. In these cases, the main record of whether an individual example was made before 1919 will be the serial number. Set out on page 39 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 on page 39 should be read in conjunction with paragraph 9.21 below.

9.14 In the case of guns that are not listed on page 39, 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.

9.15 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

9.16 The terms of section 7(1) require that the firearms concerned must be “kept or exhibited as part of a collection”. As this is a statutory requirement, the police will wish to be satisfied that the collection is genuine, rather than merely a device to get round the terms of the Act. See Chapter 13 for further information on collecting firearms.

9.17 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

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Make	Model	Calibre	Pre-1/1/1919 serial number
Astra	Campo Giro M 1913 pistol	9mm largo	8,038
Colt	Single Action Army (Peacemaker)	.45 & .44/40	337,200
Colt	Army Special & Officers	.45	431,999
Colt	New Service (Army, Navy, Marine)	.45	170,499
Colt	US Model 1917	.45	139,350 (on base of butt)
Colt	Pocket Positive	.32	84,999
Colt	Police Positive	.22	15,899
Colt	Police Positive	.32	142,999
Colt	Police Positive	.38	99,999
Colt	Police Positive Special	Various	161,999
Colt	Models 1902 Military & 1903 Pocket	.38	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	Model 1911 (Military: unmarked)	.45ACP	580,600
Colt	Model 1911 (marked C or W)	.45ACP	106,800
Colt	Target Model	.22	6,499
Luger	Military Models	9mm Parabellum	Year over chamber
Luger	Commercial Models	9mm Parabellum	76,500
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
Smith & Wesson	Hand ejector	.22	25,975
Smith & Wesson	Hand ejector	.32	272,198
Smith & Wesson	Safety Hammerless	.32	215,501
Smith & Wesson	Hand ejector	.32/20	80,422
Smith & Wesson	Autoloading pistol	.35	7,490
Smith & Wesson	Safety Hammerless	.38	245,934
Smith & Wesson	Double-action Perfected	.38	57,701
Smith & Wesson	Military & Police	.38	292,004
Smith & Wesson	Regulation Police	.38	5,781
Smith & Wesson	Hand ejector	.45	15,598
Smith & Wesson	Hand ejector	.45ACP	145,832
Swiss Army	Parabellum (Waffenfabrik Bern)	9mm	15,215
Webley	Solid frame, often mark'd Bulldog, RIC etc)	Various	102,148
Webley	Hinge frame pocket Mark 2 & 3	.320 & .380	21,899
Webley	WP hammer and hammerless	.320 & .32	3,019
Webley	Fosbery	.38 and .455	4,339
Webley	Service Mark I to VI	.450, .455 & .476	430,959
Webley	Self-loading	.25, .32, .380, 9mm BL .38HV & .455	119,171
Webley	Self-loading (Navy and RHA)	.455	8,000

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 recognisable 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 not normally be possessed under this section if it is part of a collection of other artefacts. The only exemption to this would be if 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

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Association or the Vintage Arms Association;

- v) The collection will usually need to be established and substantial before a firearm certificate 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 considerably larger collection;
- vi) 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;
- vii) 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).

9.18 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. 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 and with prior police permission, for example to take them to an auction or an exhibition of historic arms. 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 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

9.19 Section 7(3) provides that owners store and fire 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). An authority to acquire a firearm subject to a section 7(3) exemption shall be specific. It should not be a “blanket” authority to acquire any firearm to which this exemption applies.

9.20 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 4 issues;

I Historical importance

9.21 A firearm might be considered to be of historical importance if it meets any of the following criteria;

- 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 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;

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- 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;
- v) Guns which would be exempt “antiques” under the terms of section 58(2) of the 1968 Act but for their being fired should generally be treated as of “historic interest” for these purposes;
- vi) In a number of cases guns made before 1919 may be considered of “historic importance” in themselves due to their age and rarity. Guns made after 1945 will be unlikely to qualify on age alone;
- vii) Conversely, guns manufactured after the Second World War will 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.

II Aesthetic quality

9.22 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 “Peacemaker” would not generally fall within this heading.

9.23 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 match modern standards of good taste. 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”. Firearms which were manufactured or modified after 16 October 1996 should not benefit from this exemption.

9.24 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

9.25 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 visible 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.

9.26 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

9.27 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

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it rare in itself, but would be a factor to consider in judging the overall status of the gun.

9.28 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.

9.29 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.

Astra: Models 400, 600 and 900
Beretta: M 1934 pistol in 9mm short and M 1935 pistol in 7.65mm
Browning FN: Model 1935 (also known as GP, Grand Puissance or High Power) in 9mm Parabellum
Colt: 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
CZ: M27 7.65mm pistol
Enfield: Service (including Albion) revolvers: all marks
Frommer: Model .37 pistol in 7.65mm
Luger: (see "Parabellum")
MAB: Model D pistol in 7.65mm
Mauser: Model 1934 pistol in .32ACP, Model HS c pistol in .32ACP
'Parabellum-type': P 08 nominal 4" barrel 9mm pistol marked S/42 bfy (Mauser)
Radom: VIS 35 pistol in 9mm Parabellum
Sauer: Model 38 H pistol in 7.65mm
Smith & Wesson: Hand ejector "Military and Police" revolver in .38 S&W, though not the 1917 civilian and military versions
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
Unique: Model 17 pistol (Kriegsmodell)
Webley: Mark IV revolver in .38 calibre, though several variants might qualify as "rare"

9.30 Guns made after 1945 would 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, for example the Jurek, the Sterling revolver and the Victory Arms Co self-loading pistol.

Designated Sites

9.31 At present (2001) 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 Marylebone Rifle & Pistol Club, City of London;
- v) The Tameside Shooting Centre, Greater Manchester;
- vi) The Wednesbury Marksmen, West Midlands.
- vii) Lincolnshire Shooting Centre, Lincolnshire.

Further sites may be designated in due course.

9.32 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 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.

9.33 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

9.34 The terms of section 7 apply only to those holding historic guns on a firearm certificate. It does not apply to dealers (or

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to carriers or those similarly exempted from the need to hold a certificate). 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

9.35 Where a certificate holder wishes to shoot their firearm held under section 7(3), the ammunition for that firearm should be kept at the designated site. The certificate should be so conditioned. If the ammunition is not readily 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 the 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.

Chapter 10

FIREARM CERTIFICATE PROCEDURE

10.1 This Chapter provides an overview of the firearm certification procedure. It starts by describing the application procedure, including the use of referees and medical information, and goes on to look at approval and the important areas of conditions, variations and revocation.

Introduction

10.2 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 Guidance is available to all police officers and civilians directly involved in the licensing procedures. Where difficulties arise, advice should be sought from the firearms department at the appropriate police force headquarters. Much knowledge and experience is also held within the shooting organisations (see Appendix 1), including those for collectors.

10.3 Before issuing 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. This will normally involve an interview with the applicant, a home visit and an inspection of their security. Visits should, wherever possible, be made by prior appointment and take place at a mutually convenient time. Applications are required on form 101 to provide contact telephone numbers. Where the applicant is a young person, any enquiry should normally be conducted in the presence of their legal guardians. 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. If at any stage of the process non-statutory forms are used for obtaining further information, they should be clearly marked to indicate their status.

Application

10.4 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 101). 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 a previous conviction, however old or minor, 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, – note to question 14, which, on renewal, requires only convictions since the grant or last renewal to be detailed.

10.5 Applicants are required to enter the calibre and type of firearm(s) to be purchased or acquired. The information will need to be specific and not cover a range of calibres or a generic group such as .22 CF (centrefire). Form 101 does not require the serial number to be given of the firearm(s) that the applicant wishes to purchase or acquire: this information is not normally available. There is an exception to this. Applicants will need to include, where available, the identification number of a handgun being acquired under section 7(1) or 7(3) of the 1997 Act. This will allow conformity with criteria to be checked. Normally, the identification number or other

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identifying mark will be entered by the transferor in Table One at the back of the firearm certificate.

10.6 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 (eight photographs must be submitted where a co-terminous certificate application is made). 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 endorsed by two people who are resident in Great Britain, who have known the applicant personally for at least two years and who are of good character. These two people must have agreed to act as referees to the applicant.

Referees

10.7 A referee may be of any background or occupation. A referee must be of good character, whom the police may trust to give honest replies to the questions contained on the referee form (the referee is not required to guarantee the applicant's good behaviour).

10.8 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: mother; father; son; daughter; sister; brother; aunt; uncle; grand parent and mother/father/sister/brother in law. Cousins are not regarded as immediate family but co-habiting partners should be considered as "family" for these purposes and not be accepted. Serving police officers, police civilian employees and registered firearms dealers (but see paragraph 10.9) may not act as referees.

10.9 If the chief officer of police is satisfied under section 44 of the 1997 Act that the application is for the renewal of a firearm certificate in relation to a rifle or muzzle-

loading pistol for use only for target shooting, one of the referees must be an official of the approved rifle or muzzle-loading pistol club specified in the application. In these circumstances, the referee may be a registered firearms dealer and need not have known the applicant personally for at least two years. The other referee must satisfy the requirements of paragraph 10.6(b) above and must not be a member of any target-shooting club.

10.10 The referees are required to verify that the information given in questions 1 to 16 of form 101 is correct. The applicant should complete all questions before asking the referees to verify the information concerned. The referees must endorse one of the photographs in the manner given in the notes to Part D on page 4 of the application form and thereafter sign the endorsement.

10.11 The police should provide two copies of the Reference Form (form 125) and the applicant should give one to each of their referees, after having completed Part A. The form includes instructions as to how the referees should complete the form, and the criteria for the referees when considering the applicant's fitness to possess firearms. The completed form 125 must be sent directly by the referee to police headquarters, firearms licensing department. The full postal address of the firearms licensing department should be included with the referee form, although as a matter of best practice forces may want to provide a pre-addressed envelope with the form.

10.12 The judgement as to 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

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would not therefore be expected to charge for acting as referees, since they would be acting in a personal rather than professional capacity.

10.13 The referee must have known the applicant personally for at least two years (this does not apply to a club official acting as a referee to the renewal of a target-shooting certificate). 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.

10.14 The term "good character" is not legally defined. It is a broader term than the professional requirements for countersignatories (see Chapter 11), and may include people from a wide variety of backgrounds.

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 shot gun 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. Persons who would be eligible to act as countersignatories to an application for a shot gun certificate, whether explicitly or as "persons of similar standing", might also be considered suitable to act as referees. However, the ability of the referee to offer a reliable view of the applicant is more important than their profession or status.

10.17 It is open to the police to contact the referee to discuss the information provided

on the reference form or any other 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 to act as a referee but is found not to know the applicant well enough to provide an informed reference.

10.18 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 and good character. Where the persons put forward to act as referees are 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 alternative referees. 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. If the referee meets these requirements then the police may not reject the reference, though they may of course take into account the adequacy of the reference given in deciding whether to grant the certificate.

Medical Information

10.19 The application forms for firearm and shot gun certificates require the applicant to give permission for the police to approach the applicant's General Practitioner (GP), who should be registered in the UK, in order to obtain factual details of the applicant's medical history.

10.20 This authority is to assist the police in dealing with cases where there are genuine doubts or concerns about the applicant's medical history that may have a bearing on the applicant's suitability to possess firearms. The authority should be used only where the doubts or concerns about the applicant's medical history appear to require more detailed information to enable the final assessment of the application to be conducted. Such doubts or concerns might be prompted by the applicant's answers to the medical questions on the application

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form, or they may arise from other information available to the police.

10.21 Approaches to applicants' doctors should not be made as a matter of routine. Nor should approaches be made simply to check the accuracy of the medical information provided in application forms, unless there are some grounds for concern about the applicant in question or the information given. It is an offence to knowingly or recklessly make a false statement in order to obtain a certificate. This would apply to any false statement given in answer to the medical questions on the application form. Where approaches to applicants' doctors are deemed necessary, they should be made in writing.

10.22 The GP may provide factual information on an applicant's medical history. GPs should not be asked to give general access to applicants' medical records or to offer an opinion on any of the medical information given. In particular, GPs should not be asked to either endorse or oppose applications, though it is open to them to do so. Whilst we understand that GPs are unlikely to charge a fee for the provision of information, where such a fee is appropriate the cost should be met by the police.

10.23 Chief officers of police may reach their own conclusions as to the significance of the information supplied, based on their own knowledge and experience, but may wish to seek advice from the Force Medical Officer in cases where the medical information supplied is difficult to understand, or where its significance in terms of the possession of firearms is unclear. 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.

10.24 The applicant's consent is not limited by time. It is therefore open to the police to approach the applicant's GP at any time during the life of the certificate if there are concerns about the applicant's continued fitness to possess firearms.

10.25 It is also 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. Clearly, the GP would have to be satisfied that their public duty to express their concerns outweighed the normal requirements of patient confidentiality. The point of initial contact in any such cases will probably be either the Firearms Licensing Department, who will know how best to respond to the information provided, or the Force Medical Officer. If the former, it may be necessary in some cases for arrangements to be made for the GP to speak direct to a fellow medical professional, for example the Force Medical Officer, who will then be able to offer advice to the Firearms Licensing Officer.

Grant or Refusal

10.26 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 must not grant a certificate to any person whom they have reason to believe to be:

- a) prohibited by the Act from possessing a firearm: for example a person to whom section 21 of the 1968 Act applies; or
- b) of intemperate habits or unsound mind; or
- c) to be for any reason unfit to be entrusted with a firearm.

As this issue is central to the role of the police, fuller guidance on fitness is set out in Chapter 12.

10.27 If the grant of the certificate is not so precluded, chief officers of police should satisfy themselves on two points. Specifically, that the applicant:

- a) has a good reason (see Chapter 13) for requiring the firearm or ammunition in respect of which the application is made; and
- b) can be permitted to have the firearm and ammunition without danger to public safety or to the peace.

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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.

10.28 The consideration 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 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.

Representatives of Foreign States and Commonwealth countries

10.29 A person who enjoys diplomatic privilege, whether representing a government or international organisation, is expected to hold a firearm certificate in respect of any firearm or ammunition to which section 1 of the 1968 Act applies, which is used or carried outside the confines of the embassy, legation, consulate or similar establishment. The principles which normally govern the granting of certificates should be observed. The Diplomatic Privileges Act 1964 exempts diplomats from payment of the certificate fee. Diplomatic privileges have also been extended to some international bodies, for example the International Maritime Organisation. Any inquires about the status of such an organisation or its employees should be referred to the International Organisations Section of the Protocol

Division of the Foreign and Commonwealth Office (see Appendix 1).

Prohibited weapons

10.30 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

10.31 The 1998 Rules (together with other relevant provisions set out on the certificate) 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. 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. Holders are also asked to send in their certificate for amendment though

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this is not a requirement. This will enable chief officers to keep their records up to date, or, if the holder has moved to another police area, to pass on the papers to the appropriate police force.

- 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 in any other purpose, reasonable precautions must be taken for the safe custody of the firearms or ammunition (see paragraphs 19.46 to 19.50 for additional information).

See also Chapter 19 concerning the security of firearms and ammunition held on certificate.

Conditions attached by chief officers of police

10.32 Section 27(2) of the 1968 Act gives the chief officer of police powers to attach conditions to firearm certificates. 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. There is no appeal against revocation on this ground.

10.33 Possible conditions which may be applied are listed at Appendix 3 as a guide to firearms licensing officers. They should be used, where the individual circumstances require it, to ensure consistency of practice between police forces. 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.

10.34 Conditions setting out arbitrary time limits for acquiring firearms and ammunition should not be imposed. However, the chief officer may at the time of certificate renewal, enquire why an authority to acquire has not been exercised and consider that part of the renewal on the information received.

10.35 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

A territorial condition restricts the areas where the firearm may be used by a person who holds a firearm for sporting purposes or for the shooting of vermin. It is important that there should be standardisation of practice amongst forces and for this purpose it is recommended that new certificate

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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 experience with a particular calibre or class of firearm the less restrictive condition may be considered appropriate (see Appendix 3).

b) Land Inspection

This is covered in detail in Chapter 13.

c) Zeroing

Deer stalkers and vermin shooters should be allowed to zero. 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

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 normally be necessary for specific areas of land over which the applicant has permission to shoot to be examined. See Appendix 3 for relevant conditions for shooting of vermin, practical target shooting disciplines or other forms of target shooting.

Completion of Certificates

10.36 Firearm certificates must be in the prescribed form (form 104). 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 normally 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 currently 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) the amount of ammunition the applicant is authorised to acquire;
- i) any such conditions which pertain to the firearms or ammunition to which the certificate relates; and
- j) the official stamp of the police force issuing the certificate together with the signature of the chief officer of police and the date when the grant or renewal of the certificate was authorised, or date of amendment in the case of replacement certificates.

10.37 The certificate does not require the identification numbers of those firearms authorised to be purchased or acquired to be entered, other than the exception for handguns bought under sections 7(1) and (3) of the 1997 Act (see paragraph 10.5).

10.38 When certificates are issued to two people who intend to share the use of a firearm, only one certificate should be authorised to acquire the firearm. After the firearm has been acquired the second certificate should be submitted to the firearms licensing department for the details to be included. No further amendment is then needed to the certificate until the firearm is disposed of when both certificates should be submitted to the firearms licensing department for the details to be deleted. Both certificates may authorise the purchase and possession of ammunition.

10.39 The certificate requires the following entries as to ammunition:

- a) the maximum amount authorised to be possessed at any one time; and
- b) the maximum amount authorised to be purchased at any one time.

10.40 The amount of ammunition entered at (a) will not of course be smaller than (b). The amount may be the same in both cases but no doubt chief officers of police will consider that as a rule the entry at (a) should be slightly larger than at (b) in order that the holder of a certificate may purchase a fresh supply of ammunition before their existing supply is exhausted. Any reduction in the

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amount of ammunition to be possessed or purchased would count as a partial revocation of the certificate or partial refusal of the application, and would require service of the appropriate notices and may need justification on appeal. See also broad guidelines on ammunition amounts in Chapter 13.

Renewals

10.41 Section 26(3) of the 1968 Act provides that a certificate shall continue in force for five years or such shorter period as may be prescribed. No rule has been made by the Secretary of State prescribing a shorter period for firearm certificates.

10.42 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. This should be done either by post or in person. It will be helpful to arrange to combine any such personal visit 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.

10.43 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 during the personal visit, inspection or interview. 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.

Co-terminous certificates

10.44 Section 11 of the 1988 Act allows the life of a shot gun 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 shot gun certificate is renewed and made co-terminous 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 shot gun certificate but requests the expiry date to coincide with the firearm certificate expiry date.

Replacement and renewal of certificates granted in another police area

10.45 A certificate is renewed by the chief officer of police for the area in which the holder resides (section 26(3) 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 a shot gun certificate for the same individual. 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 parent's, or other family, address would only be acceptable where it is available for their use. However, as has been indicated in the case of *Farrer -v- Chief Constable Essex (2000)*, only the certificate holder may have possession or access to the firearms.

10.46 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

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the chief officer for the area to which the certificate holder has moved. The chief officer should retain either a simple index giving details of the transfer or copies of such parts of the records as are thought necessary. The chief officer of the force area that the person has moved to will need to consider whether the existing certificate needs to be amended and the security of the new premises will need to be inspected.

Dilapidated certificates

10.47 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. A new wallet may be issued separately, free of charge, if necessary.

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

10.48 If a certificate holder wants to vary the certificates allowing them to possess or acquire firearms or ammunition, they may apply to the chief officer of police who issued the certificate.

10.49 Form 101 should be used for applications to vary a certificate. The certificate holder should submit their firearm certificate, along with the completed form 101, and, where appropriate, the fee, to the police force headquarters. 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 at the same time then no fee is payable (see paragraph 10.51 below for further information). 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.

10.50 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 arbitrary limit should be applied in considering any of the following ("good reason" should not be confined to need nor equated with desire – see paragraph 13.6):

- 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

10.51 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 at the same time as one is being disposed of. For practical purposes this is normally taken to be within seven days. The use of authorities which can be kept open indefinitely should be discouraged.

Applications for "one for one" variations should be made by the certificate holder submitting their firearm certificate together with a completed form 101 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 inquiries 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

10.52 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 renewal should be made from the expiry date. Variations requested at the time of renewal do not attract a fee.

Revocations and Cancellations

10.53 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 30(A)(2) 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 reasons for their decision to revoke a firearm certificate. Section 30(A)(6) of the 1968 Act (as amended) provides a right of appeal against the decision to revoke.

10.54 When chief officers of police revoke certificates they must send the holder a notice in writing 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 or ammunition in their possession by virtue of the certificate.

10.55 A certificate holder who fails to comply with such a notice is liable to a penalty. As to which course should be adopted in certain cases, see paragraph 10.56 below. 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.

10.56 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 (as at 10.54 (b)) which requires the recipient to comply with it immediately after the firearm certificate has been revoked on the grounds specified in section 30(A)(2) 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 public safety or to the peace.

10.57 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 possessing or acquiring the firearms or ammunition concerned. Where this is necessary, the chief officer should normally give notice of intention, as they would with a full revocation.

10.58 The certificate holder has a right of appeal and the police can only retain the firearms and ammunition if notice has been served in terms of section 12(1) of the 1988 Act, otherwise the firearms and ammunition will need to be returned during an appeal period. If the appeal against revocation succeeds, the firearms and ammunition must be returned. On the dismissal of an appeal, the Court may make such order for disposal of the firearm as it thinks fit. 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 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 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

10.59 Form 101, the prescribed form of application for the grant, renewal or variation of a firearm certificate is designed for use in both manual and computer systems. Individual computer systems may call for some variation in form design but the contents must remain the same. The method

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of keeping records will depend largely on the system used.

10.60 No standard method of recording grants, refusals etc. is therefore suggested, but chief officers of police should ensure that a careful record is kept. If there is an appeal, the fact and result should be noted. Results of police inquiries and intelligence information relevant to the certificate holder's circumstances should be integrated within the records.

10.61 Chief officers of police may wish to consider adopting a system under which a record is kept of the make, type, calibre and serial number of section 1 firearms held on firearm certificates. Care should be taken to ensure consistency in recording the more unusual types of firearms. Chief officers of police should be mindful of the advice issued by ACPO and ACPOS on standard descriptions for types of firearms.

10.62 If a firearm certificate is revoked (section 30(1) of the 1968 Act, as updated by section 40 of the 1997 Act) or cancelled (section 52(1) of the 1968 Act), a temporary entry of the fact should be made in the record pending any appeal. When it is clear that no appeal is contemplated, or when the appeal has been unsuccessful, the fact of revocation or cancellation and of the surrender of the certificate should be endorsed on the face of the record of the grant.

10.63 If the procedures indicated above are followed, the records in each police area should consist mainly of:

- a) records of certificate currently in force, the details of the certificate holders and of any firearms/shot guns held or authorised by virtue of those certificates;
- b) brief details of persons who have moved into other areas;
- c) records of expired certificates granted in the area to persons who have either –
 - i) gone abroad; or
 - ii) ceased to possess firearms; or
 - iii) neglected to obtain renewals; or
 - iv) are deceased; and
- d) information about revocations or refusals.

10.64 Usually it will not be practicable to recover the certificate in subparagraph (c)(i) above. As regards paragraph (c)(ii), the police should invite dealers to assist them in recovering firearm certificates which are no longer required, by informing them when the firearms or ammunition are purchased or acquired from certificate holders. 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

SHOT GUN CERTIFICATE PROCEDURE

11.1 This Chapter provides an overview of the shot gun certificate procedure. It starts by describing the application procedure, including the use of countersignatories, and goes on to look at grant, renewal and the important areas of statutory conditions and revocation.

Introduction

11.2 Shot gun certificates are the mechanism of licensing for those smooth-bore guns that do not require firearm certificates (see Chapter 2). The shot gun certificate differs from the firearm certificate in that it authorises a person to have in their possession, or to acquire, an unlimited number of shot guns without the need for approval in respect of individual guns.

11.3 However, section 3(2) of the 1988 Act amended section 28 of the 1968 Act to require that the certificate must specify the description of the shot guns to which it relates including, if known, the identification number of the guns. Shot guns 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 shot gun certificate is not required in order to possess or acquire shot gun cartridges used with section 2 shot guns, the production of a certificate is necessary in order to purchase such cartridges (unless the purchaser can show that they are entitled to possess a shot gun 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 shot gun 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.

Application

11.5 An application for a shot gun certificate must be made in the prescribed form (form 103) 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 shot gun 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. On the application for a renewal only those convictions since the grant or last renewal need be detailed.

11.6 The application form does not require applicants to provide details of the shot guns to be purchased or acquired, though an applicant for renewal must give details of the guns currently possessed. The requirement to send a notification of the transaction involving a shot gun should ensure that the police are kept informed of the acquisition of shot guns after the grant of a certificate.

11.7 The 1998 Rules, as provided for in section 26(2) of the 1968 Act, require an application for the grant or renewal of a shot gun certificate:

a) to be accompanied by four identical photographs of a current true likeness of the applicant and sized 45mm x 35mm (8 photographs must be submitted where a co-terminous certificate application is made). Ordinary passport style photographs are suitable for this purpose. A computer

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generated likeness is acceptable if it is full face, against a plain background and printed on good quality photographic paper; and

- b) to be countersigned by someone who is resident in Great Britain and who has known the applicant personally for at least two years, and who is a Member of Parliament, justice of the peace, minister of religion, doctor, lawyer, established civil servant, bank officer or person of similar standing. The term “person of similar standing” may be taken to include persons whose name might be found in a public book of reference, including members of professional bodies (such as architects, accountants and surveyors), persons who have or at one time held a commission in Her Majesty’s Forces or who are qualified teachers in recognised schools. It may also be appropriate to include an applicant’s employer if it is a well-established business and the applicant is well known to them. The police should be willing to interpret “person of similar standing” widely in the case of people who may have few professional contacts in the community. The good standing of the proposed countersignatory and their knowledge of the applicant are more important factors than their professional position. Members of the applicant’s family must not act as countersignatories. In the absence of a Court ruling, family is taken to mean the following: mother; father; son; daughter; sister; brother; aunt; uncle; grand parent and mother/father/sister/brother in law. Cousins are not regarded as immediate family but co-habiting partners should be regarded as “family” for these purposes and not be accepted. Serving police officers, police civilian employees and registered firearms dealers must not act as countersignatories.

The role of the countersignatory is confirmation of the applicant’s identity to the police by someone of “good standing”, saying that they know of no reason why the applicant should not be permitted to possess shot guns, and to verify to the best of their knowledge that the information provided on the form is true. The countersignatory is not required to

provide the information requested of referees for firearm certificate applications, but the police may contact the countersignatory where there are doubts about the applicant’s suitability.

General Practitioners (GPs) have raised their role as countersignatories as adding an extra administrative burden to their day. The Home Office is considering replacing the current system of countersignatories with a system of referees similar to that which applies to firearm certificates. In the interim, applicants should be encouraged to seek an alternative to their GP as countersignatory, if at all possible. If there is no alternative, applicants should be advised to see their GP outside surgery hours.

11.8 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 headquarters.

Grant or Refusal

11.9 The 1988 Act revised the criteria set out in section 28 of the 1968 Act for the grant or renewal of a shot gun 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. 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 shot gun; or
- b) is satisfied that the applicant does not have a good reason for possessing, purchasing or acquiring one.

Section 28(1B) of the 1968 Act, as amended, provides for sporting and competition purposes *or* shooting vermin to be regarded as good reasons for possessing a shot gun and that an

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application may not be refused merely because an applicant wants to possess but not use a shot gun nor lend it for another person's use. This is likely to be the case when the shot gun is of special significance to the applicant, such as an heirloom or is of some other sentimental value. However, the Act does NOT require the applicant to make out a good case for being granted a certificate, but rather extends the chief officer of police's grounds for refusing one. A chief officer should therefore need to make further inquiries only where it comes to their notice that there may be genuine doubts about the applicant's reason for wishing to possess a shot gun.

11.10 If the grant of a certificate is not so precluded, chief officers of police have to satisfy themselves that the applicant can be permitted to possess a shot gun without danger to public safety or to the peace. This will necessitate an interview and consideration of their security arrangements. Home visits should, wherever possible, be made by prior appointment and take place at a mutually convenient time. Applicants are requested to provide contact telephone numbers on form 103. Where the applicant is a young person, any enquiry should normally be conducted in the presence of their legal guardians. 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 guardians should be consulted.

11.11 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 shot gun certificate, but convictions for multiple offences might cast doubt on the suitability of an applicant to have shot guns without endangering public safety. Any relevant information known to the police about the applicant such as mental illness or intemperate habits 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 shot gun certificate. In

considering the application, the police will wish to consider whether the applicant has adequate security to provide safe-keeping for shot guns. In the event of refusal, the fee is refunded and the photographs returned.

Medical Information

11.12 See paragraphs 10.19 to 10.25.

Conditions on Shot gun Certificates

11.13 Section 28(2)(a) of the 1968 Act provides that a shot gun certificate shall be granted or renewed subject to any prescribed conditions. The 1998 Rules (together with other relevant provisions set out on the certificate) provide that a shot gun 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, without undue delay, inform the chief officer of police by whom it was granted of the theft, loss or destruction in Great Britain of the certificate and/or the theft, loss, deactivation or destruction of any shot guns to which it relates;

Note: Whilst the certificate states that the notification of the theft, loss or destruction of a shot gun must be done "without undue delay", sections 34 and 35 of the 1997 Act requires that the notification must be made by recorded or special delivery within seven days, or in the case of theft etc. outside of the UK within fourteen days.

- (iii) 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;
- (iv)
 - a) that any shot gun 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

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- practicable, access to the shot guns by an unauthorised person;
- b) where a shot gun to which the certificate relates is in use or the holder of the certificate has the shot gun 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 paragraphs 19.46 to 19.50 for additional information).

11.14 The prescribed conditions for shot gun certificates are similar to those prescribed for firearm certificates. When a certificate holder notifies the police of a change of address, consideration should be given to amending the certificate. 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.

11.15 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 shot gun certificates. The only exception to this is in relation to section 5(5) of the 1998 Rules and section 5A(3) of the 1968 Act (as amended). This provides that when a person wishes to acquire a shot gun disguised as another object for the purpose of it being kept or exhibited as part of a collection, the certificate shall be subject to an additional condition restricting the use of that shot gun to use for that purpose. The most common shot gun of this kind will be the walking-stick shot gun.

Completion of certificates

11.16 Shot gun certificates must be in the prescribed form (form 105). 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 shot gun certificate is

- normally valid for a period of five years (but see paragraph 11.18 about co-terminous 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 shot guns currently in the applicant's possession; and
- f) the official stamp of the police force issuing the certificate together with the signature of the chief officer of police and the date when the grant or renewal of the certificate was authorised, or date of amendment in the case of replacement certificates.

Renewals

11.17 The onus for applying to renew a certificate must rest with the holder. All forces, however, should issue reminders to certificate holders by post well in advance to allow the renewal process to be completed before the original certificate expires. Normally, only one reminder should be sent. Further inquiries may 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 shot guns held by virtue of the certificate in this last instance. 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.

Co-terminous certificates

11.18 Section 11 of the 1988 Act provides for chief officers of police to grant or renew a shot gun 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

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renewal of a shot gun certificate can therefore request that it is issued with the same expiry date as their firearm certificate. Alternatively, where shot gun certificate holders apply for the grant or renewal of a firearm certificate, they should be advised that they may surrender their shot gun certificate and apply for a new one at the reduced fee to take effect on the same day as the firearm certificate.

Dilapidated certificates

11.19 A fresh certificate should be issued free of charge in place of one which has become dirty or mutilated. The old certificate should not be returned to the holder and may be destroyed. A certificate that is full of transactions, leaving no more space in Table 2, should also be replaced free of charge.

Revocations and Cancellations

11.20 Under section 30(C)(1) of the 1968 Act (as amended), a shot gun certificate may be revoked by the chief officer of police if they are satisfied that the holder cannot be permitted to possess a shot gun 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. Forces will be expected to give reasons for their decisions to revoke a shot gun 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.

11.21 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 shot guns held by virtue of the certificate forthwith.

A certificate holder who fails to comply with such a notice is liable to a penalty. As to which course of action to take, see below. 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.

11.22 When a certificate has been cancelled by a court under section 52 of the 1968 Act, the chief officer of police may send the holder a notice in writing as at 11.21 a) above. A chief officer shall only send a notice which requires immediate compliance (as at 11.21 b) above) if they are satisfied that a delay in requiring the certificate holder to relinquish their certificate and shot gun would pose a direct threat to public safety or to the peace.

11.23 The certificate holder's right of appeal against revocation is unaffected and the shot gun must be retained by the police until the outcome of the appeal is known. If the appeal against revocation succeeds, the shot gun must be returned. On the dismissal of an appeal, the court may make such order for the disposal of the weapon as it thinks fit. If no appeal is brought, or the appeal is abandoned, the firearm should be disposed of in a manner agreed with the owner, who continues to retain title. In the absence of agreement, the chief officer of police must give the owner notice in writing as to how they intend to dispose of the weapon and the owner may appeal against that decision in accordance with section 44 of the 1968 Act. The Court may either dismiss the appeal or make such order as to the disposal of the firearm as it thinks fit. In all cases, the police should keep records of how and where firearms have been disposed. Proceeds will also need to be accounted for.

Police Records

11.24 The general guidance set out in Chapter 10 in respect of firearm certificates also applies in respect of shot gun certificates. In particular, chief officers of police should operate a system under which details of the shot guns acquired and possessed by certificate holders can be recorded.

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Visitors

11.25 The acquisition of shot guns for export without a certificate and visitors shot gun permits are dealt with in Chapters 6 and 27 respectively.

Representatives of Foreign States and Commonwealth countries

11.26 A person who enjoys diplomatic privilege, whether representing a government or international organisation, is expected to hold a certificate in respect of any shot gun to which section 2 of the 1968 Act applies, which is used or carried outside the confines of the embassy, legation, consulate or similar establishment. The principles which normally govern the granting of certificates should be observed. The Diplomatic Privileges Act 1964 exempts diplomats from payment of the certificate fee. Diplomatic privileges have also been extended to some international bodies, for example the International Maritime Organisation. Any inquires about the status of such an organisation or its employees should be referred to the International Organisations Section of the Protocol Division of the Foreign and Commonwealth Office (see Appendix 1).

Chapter 12: FITNESS TO BE ENTRUSTED WITH A FIREARM

12.1 This Chapter offers guidance on the issue of a person's "fitness" to be entrusted with a firearm. "Fitness" applies specifically to firearms only and this Chapter does not therefore directly concern itself with shot gun related issues. It is issued without prejudice to what a Court may decide constitutes "fitness" and contains a list of factors which are not intended to be exhaustive or prescriptive.

Introduction

12.2 Section 27(1)(a) of the 1968 Act (as amended) states that:

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

- 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 a firearm".

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

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

- that the holder is of intemperate habits or unsound mind or is otherwise unfitted to be entrusted with a firearm".

Assessing "fitness"

12.3 The chief officer of police should, when assessing an application for, or revocation of, a firearm certificate, consider the following factors:

I. Prohibited persons and others known/suspected of criminal involvement

12.4 Section 21 of the 1968 Act sets out restrictions on the possession of firearms by certain categories of persons convicted of crimes. In short, persons who are sentenced to a term of imprisonment of 3 years or more are never allowed to possess firearms, and persons who are sentenced to a term of imprisonment for 3 months or more but less than 3 years must not possess firearms until five years have passed since the date of release (see paragraphs 5.5 to 5.8 for more detail about section 21).

12.5 Consideration should also be given to any previous convictions or cautions held by persons who do not fall within the provisions of section 21 and, in particular, any conviction which involves the use of a firearm and offences involving violence, or offences involving dishonesty or a disregard for public safety, or 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). Although convictions overseas do not count towards prohibition, they might be relevant to questions of "fitness". 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 have applicability 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;

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- b) *Chief Constable of Essex v Germain (1991)*, where the court ruled that a chief officer was entitled, in revoking a shot gun licence, 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 shot gun; 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 shot gun, and thus the revocation of the licence was not justified.

12.6 Information contained in criminal intelligence should 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. Chief officers of police should consider that any such information might have to be placed before a court if the applicant appeals.

12.7 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 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

12.8 Factors for consideration include:

- a) Evidence of alcohol or drug abuse that may indicate that a person is unfit 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 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 shot gun 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, sexual orientation, 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

12.9 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 report reveals that an applicant has exhibited, or is exhibiting, signs of depression, suicidal tendencies, 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 would include persons who had been detained under the civil powers of the Mental Health Act 1983 on the basis of their behaviour posing a risk to the public (the Mental Health (Scotland) Act 1984 contains provisions covering similar situations). 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 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.

12.10 It should be remembered that simply because a person has received treatment in the past for certain illnesses or conditions, such as depression or stress, it does not automatically follow that they are unfit to possess a firearm. It is simply 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.

IV. Safe-keeping and handling of firearms

12.11 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. Co-operation with the licensing authority

12.12 The following examples may indicate that a person has not complied with the need to co-operate:

- a) the making of abusive or threatening phone calls to firearms licensing department staff;
- b) refusal to permit a police officer to inspect firearms or security provisions. The relevant case law here is "*Bianchi v Chief Constable of Northumbria*" (1998); or
- c) failures to respond to requests for information or to reply to correspondence. The case of *Morris v Chief Constable of South*

Wales Police (1999) has relevance. It must be recognised though that there might be genuine reasons for a failure to respond to requests for information, or to reply to correspondence. For example, illness, particular family circumstances or extended absence overseas. Such failures must not necessarily be taken to indicate a lack of co-operation with the licensing authority.

12.13 Care should be taken to ensure that reasonable complaints about delays or inappropriate handling of a case are not categorised as a failure to co-operate, or perceived by potential complainants as being so categorised. Where the police consider that a person's actions have brought them within the above subsections, but where it has been decided that the application for a certificate should not be refused, the person should receive a warning in writing that further examples of such actions may lead to future applications being refused or existing certificates being revoked. Such a procedure ensures that, where the reasons for refusal/revocation are based on persistent failures, adequate records exist of the failures. It also ensures the individual has been made aware how their actions have been interpreted, allowing them to alter their actions in future or complain at the time of the warning about the interpretation placed on their actions. If, in the light of the query or complaint, it is felt that the individual's actions should not have been categorised within the above subsections, a further letter stating this fact should be sent to the individual.

Further information

12.14 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 there is any further evidence that the person would be unfit to possess a firearm. 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 farmer or secretary of the club who may have close knowledge of the applicant's character. Where this is considered necessary, care should be taken not to divulge information about the applicant which is of a sensitive or confidential nature.

12.15 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 General Practitioner (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 paragraphs 10.19 to 10.25.

12.16 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 (except, naturally, in cases covered by paragraph 12.4 above).

Chapter 13

GOOD REASON TO POSSESS A FIREARM

13.1 This Chapter sets out:

- the issues that chief officers will wish to consider in assessing “good reason” in individual cases; and
- advises on the more common “good reasons” that the Home Office would consider proper for the possession of particular firearms and ammunition.

Introduction

13.2 Under section 27(1)(b) of the 1968 Act, 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. 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.

13.3 This guidance is not exhaustive, and 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.

13.4 Apart from having a “good reason” in principle, an applicant’s reasons for owning firearms should be genuine and substantial. 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 a request for written authorities

where possible; verification of the likelihood of the quarry species being present; the suitability of land for the firearms requested commensurate with the applicant’s experience; their authority to shoot on the land; and, in the case of target shooters, verification of club membership and shooting activities.

13.5 There are exemptions in the Firearms Acts that allow individuals to possess and use firearms without holding their own certificate. An intention to acquire a personal 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 (but see paragraph 13.46 and sections on firearms of historical importance, collections and trophies of war) or failure to acquire one may be cause for further inquiry as to the applicant’s intentions.

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 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.

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13.7 With the exception of the limits set by the Deer Acts 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 at deer, game, pest or other quarry species. Calibres authorised should be powerful enough to ensure a clean kill of the quarry species concerned.

13.9 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 named 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 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. 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 (not so important with a shot gun unless using section 1 ammunition);
- d) General topography of the land; and
- e) Presence of any quarry species on the land (see paragraph 13.13 for guidance).

13.12 It should not be difficult for the certificate holder whose certificate is to be conditioned to allow shooting only on land approved by the chief officer of police, and with whom the responsibility lies, to establish whether an area of land has been approved for their type and calibre of firearm without consulting the local police. In most cases it is likely that the landowner, tenant or agent will be able to provide confirmation. It should only be necessary for the certificate holder to check with the police in a minority of cases and it is expected that in only a small

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number of those will it be necessary to inspect the land.

13.13 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 officer 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.

13.14 “Good reason” to possess particular firearms will generally be linked to the quarry species found on the land concerned, for example on a farm or estate. However, conditions for the possession of such firearms should 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 Pest Act 1954 imposes a duty with financial penalties on occupiers of land to control rabbits on their land. Under the Animals Act 1971, a person may, under certain specified circumstances, shoot a dog found worrying sheep, cattle or other livestock (see also paragraph 14.22). A shot gun 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.

13.15 Most rifle cartridges were designed for specific purposes but may be suitable for a range of other quarry. The table on page 77 provides guidance on whether, for the purposes of establishing “good reason”, a particular calibre is suitable for shooting certain quarry. “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 either unsuitable, unlawful or inhumane and pursuit of such a quarry would not therefore be a “good reason” to possess such a rifle. 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 and birds are protected by law (see Chapter 14). It should be noted that the following list of calibres is not exhaustive but will serve as a useful guide. 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)

13.16 The term “game” covers certain birds and animals that may be shot for food and sport. Apart from deer which are dealt with below, these may include rabbit, hare, pheasant, partridge, grouse, woodcock and other game birds. The term “vermin” is not defined in law, but it may include destructive species that cause damage to crops or property such as rabbits, mink, stoat, weasel, brown rat, and grey squirrel, as well as some birds such as wood pigeon, rook and crow. Foxes are dealt with in paragraphs 13.23 and 13.24. 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).

13.17 The rifle cartridge most commonly used to shoot ground game and vermin is .22 rimfire. If a combination rifle/shot gun (such as a German “Drilling”) is used, the rifle calibre should be .22 rimfire. More powerful rounds such as .17 Remington and .22 Hornet are 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.

13.18 Self-loading shot guns (semi-automatic is defined in section 27 of the Wildlife and

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Countryside Act 1981 as holding more than two cartridges in the magazine and applies only to large magazine shot guns (and .22RF)) may be used to shoot certain pest species under the terms of a licence from either the Department for Environment, Food and Rural Affairs (DEFRA) (WLF 100091 in England, WLF 008 in Wales) or the Scottish Executive Environment and Rural Affairs Department (SEERAD), but is applicable to avian species only. Large-magazine shot guns may be required to deal with serious pest problems with wood pigeon or corvids (rooks and crows).

13.19 Air rifles in calibres from .177 to .25 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.

13.20 Section 4 of the 1997 Act allows the possession and use 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 shot gun would be inappropriate, for example fruit cages or near release pens.

13.21 Those involved in shooting vermin will normally be authorised to possess up to 750 rounds and acquire 500 at any given time. 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 might be appropriate to authorise the individual to possess up to 1,500 rounds and acquire 1,000 at any given time. 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.

13.22 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. However, where a particular quarry forms the basis of the applicant’s “good reason” its likely presence will need to be confirmed (see paragraph 13.13 for guidance).

Fox

13.23 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 Rimfire is generally too low-powered to be used against fox except at short range, but may reasonably be permitted for use against such quarry in certain circumstances. However, sole use against fox would not normally be sufficient “good reason” to acquire such a rifle (see paragraph 13.15). Combination shot gun/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 and acquire 200 at any given time, but consideration should though be given to each shooter’s individual circumstances, particularly where re-loaders are acquiring missiles. See also paragraph 13.14 on allowing applicant’s flexibility to reasonably shoot other species on named land.

13.24 It is desirable that new applicants should have some previous experience of the safe use of firearms before using such rifles.

Other animals

13.25 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

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quarry species, for example .270, .30-06 or .308 or greater 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.

13.26 Hunting potentially dangerous animals 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.

13.27 Under the Conservation of Seals Act 1970, seals may be shot by fishermen and others to prevent damage to fishing nets. Seals may also be shot under licences issued by DEFRA or the Scottish Executive Environment and Rural Affairs Department (SEERAD). 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. This equates to at least a .22 Hornet centrefire rifle using 45 grain, although this cartridge is, at best, only marginally humane.

Deer

13.28 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 Acts also require 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 and to acquire 200 rounds 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.

13.29 Suitable calibres for shooting deer range from .243 to .45-70. For the larger species of deer (Red, Sika and Fallow) .243 calibre is

legal, but .270 and larger calibres are generally more suitable allowing a 130-150 grain bullet weight, a muzzle velocity of 2,450 feet per second and a muzzle energy of 1,750 foot pounds. For the smaller deer species (Roe, Muntjac and Chinese Water Deer) .243 calibres are optimal. See paragraph 13.32 for information about legislative requirements for the shooting of deer in Scotland, which are based on the performance of the ammunition not the calibre of the rifle.

13.30 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. 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 experience of firearms.

13.31 The Deer Act also authorises the use of smooth-bore guns of at least 12 bore for shooting deer, firing a non spherical slug 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 that that action was needed to prevent this. This provision was intended to allow farmers and crofters who own a shot gun but not a rifle to deal with marauding deer. Shot guns 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 would be needed for possession and use. A suitable rifle would be more appropriate for a regular need to control deer.

13.32 Section 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,

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this means a calibre of .222 or greater, rather than the .240 or greater 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 shot gun 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

13.33 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.

13.34 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 and .300 Winchester or greater for bear.

13.35 The police will wish to be satisfied that an applicant has genuine intentions to use such rifles abroad, though such visits may be infrequent. Due to the terms of section 9 of the 1997 Act, expanding ammunition may not be authorised in connection with use abroad. Zeroing 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. Calibres such as the .375 (9.5mm) are at the lower end of those suitable for shooting "dangerous game" but may, once initial "good reason" has been established, also be used for shooting the larger deer species in Britain. Expanding

ammunition may also be authorised for an applicant whose certificate allows for the rifle also to be used for shooting deer 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.

Humane Killing of Animals

13.36 The humane killing of sick or injured 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 shot gun when appropriate. Rifles of any centrefire calibre may be suitable for this work. For pistols and slaughtering instruments under section 3 of the 1997 Act, a .32 single (or two) shot pistol is suitable for most circumstances, though larger calibres 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). 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 shot guns 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) advise that solid slug for shot guns should only be used from a distance and with a suitable backdrop. 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 (see Appendix 1).

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13.37 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.

Slaughtering

13.38 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 normally be granted to proprietors of slaughterhouses, knackermen, deer and wild boar farmers, master butchers, and farmers, smallholders and crofters who need to slaughter their own animals. Expanding ammunition should also be authorised for this purpose.

13.39 Under section 10 of the 1968 Act, no certificate is required for a licensed slaughterman (under the terms of the Slaughterhouses Act 1974 or the Slaughter of Animals (Scotland) Act 1980) to possess a slaughtering instrument or ammunition in any slaughterhouse or knackery yard where they are employed. The use of all slaughtering instruments is governed by the Welfare of Animals (Slaughter or Killing) Regulations 1995.

13.40 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.

Target shooting

13.41 Target shooting includes the use of firearms for sport and recreation. The Department of Culture, Media and Sport (DCMS) recognises the Great Britain Target Shooting Federation which brings together the national Governing Bodies for target shooting. These divide responsibilities for different types of target shooting as follows:

- National Small Bore Rifle Association (NSRA) – .22 rifles, air rifles and air pistols not greater than .22 calibre

- National Rifle Association – full-bore rifles, centrefire pistols and muzzle-loading rifle and pistol competitions not covered by MLAGB; and
- Muzzle-Loaders Association of Great Britain (MLAGB) – muzzle-loading rifles and pistols (including muzzle-loading “cap and ball” revolvers) under International Rules.

Additionally, the United Kingdom Practical Shooting Association and the British Western Shooting Society govern various types of target shooting involving the use of shot guns, muzzle-loading pistols and rifles.

13.42 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 revolvers and long-range pistols which are section 1 firearms.

13.43 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 Executive Justice Department. The applicant is not confined to shooting only under the auspices of that club and many applicants will wish to shoot with other clubs or independently. However, membership of a particular club will generally be the core of the applicant’s “good reason” and 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 revolvers, long-range pistols and section 1 shot guns 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.

13.44 An applicant should have access to appropriate ranges for the types of firearm concerned and all shooting must comply with the Range Safety Certificate in force on that

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range and any local standing orders on that range. For example, the Ministry of Defence will only allow solid slug to be used on ranges which have been specifically approved for this type of ammunition. Muzzle-loaders and other users of black powder need to hold an explosives certificate, a Recipient Competent Authority and possibly a Placing on the Market and Supervision of Transfer of Explosives Regulation document to possess and/or transfer black powder, though not for Pyrodex and other smokeless powders.

13.45 Target shooting will normally involve shooting disciplines or activities under the general auspices of one of the main national shooting organisations (see 13.41 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 of long standing may be accepted as “good reason” for possessing particular firearms.

13.46 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 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 may also not want to regularly shoot old and valuable weapons, thus avoiding excessive wear and tear.

13.47 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 and acquire up to 5,000 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”.

13.48 Long-range pistols will often use rifle actions and calibres. 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 13.44 above) is required.

13.49 Pump-action, self-loading and other types of shot gun may be used for “practical” target shooting disciplines in which the shooter moves to engage a number of different targets. Solid slug ammunition may be authorised for this purpose on ranges specifically approved by the Ministry of Defence for this class of ammunition. Applicants should normally be a member of a relevant organisation such as the United Kingdom Practical Shooting 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 may fall beyond the examples cited above.

Handguns of Historical Importance

13.50 See Chapter 9.

Collection of firearms

13.51 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 paragraph 9.17). Modern reproductions of vintage arms may be collected, especially to fill gaps in collections of older firearms. There are no normal calibres 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) 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.

13.52 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 (HBSA) 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 forming 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 *Hutchinson 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.

13.53 Generally, bona fide collectors of firearms are not normally authorised to possess ammunition and are made subject to a condition prohibiting their use as 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.

13.54 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 might be appropriate.

Trophies of War

13.55 A “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. All persons retaining trophies of war must hold a certificate but no fee is payable for this. 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

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obtaining the authority of the Secretary of State or the Scottish Ministers.

13.56 In general, the term “trophy of war” 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.

13.57 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. 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.

13.58 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

13.59 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 birdscaring apparatus used at airports. Authority to possess such items is normally granted to ships’ masters as part of ships’ equipment, to small boat owners, to harbour or airport employees, or to members of mountain rescue teams. Deerstalkers, wildfowling or hill walkers who operate in isolated areas may also need to seek authority to carry some form of distress flare.

13.60 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 birdscaring 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

13.61 Section 5 of the 1997 Act provides that a person may be authorised to possess a small firearm (handgun) for the purpose of starting races at athletics meetings. This was 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. Starters should be graded 1 or 2 (but see paragraph 6.32) within UK Athletics Ltd (formerly the UK Athletics Federation) and should only possess blank ammunition. 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.

13.62 Small cannons of the kind used for starting yacht races may be authorised for members of yacht clubs and similar maritime associations. These are treated as signalling apparatus for certification purposes. These should only be authorised for use with blank ammunition.

Historical re-enactment

13.63 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 shot guns for certification purposes

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and 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. Distinction is made between battle re-enactors and those involved in historical performance, where there are costumed characters in a public presentation, using some form of a script and rehearsals, for which 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 paragraph 6.40).

13.64 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 shot guns, 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.

13.65 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. 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 (see Appendix 1).

Theatrical use

13.66 Section 12 of the 1968 Act permits people taking part in a theatrical performance or rehearsal 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. Persons under eighteen do not qualify for this exemption by virtue of section 28 of the 1968 Act, as amended by section 4(3) of the 1992 Regulations. For these purposes, film may be held to include television. See also 13.63 for the distinction between historical performance and battle re-enactment.

Treating Animals

13.67 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, the possession of these firearms and ammunition may be authorised on a firearm certificate 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. Zoo and safari park staff may also have need to possess powerful rifles and expanding ammunition for the humane destruction of large and dangerous animals.

13.68 Tranquillising equipment may also be needed for scientific research on animals.

Component parts

13.69 Component parts of firearms are also subject to certificate control, and may be authorised if a shooter needs replacement or interchangeable parts. Spare cylinders for muzzle-loading revolvers are not used in national target shooting disciplines and should not normally be authorised. 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.

13.70 The term “component part” may be held to include (i) the barrel, chamber, cylinder, (ii) frame, body or receiver, (iii) breech, block, bolt or other mechanism for containing the charge at the rear of the chamber (iv), any other part of the firearm upon which the pressure caused by firing the weapon impinges directly. Magazines, sights and furniture are not considered component parts. The 9th Report of the Firearms Consultative Committee provides additional information on this subject.

Sound Moderators

13.71 Sound moderators are subject to certificate control as “items designed to reduce the noise or flash of a firearm”. Sound moderators for .22 rimfire rifles are often used for shooting game or vermin, and in the case of the latter might facilitate more effective pest control. Sound moderators for full-bore rifles are of questionable effectiveness in reducing disturbance to quarry but can confuse them by diffusing the directional report of a rifle. They may though be appropriate for reducing hearing damage to the shooter, or to reduce noise nuisance, for example for deer control in urban parks. The applicant will be expected to demonstrate a “good reason” for noise reduction before authority is granted. It should be noted that sound moderators on air weapons or section 2 shot guns 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.

Firearms for personal protection

13.72 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.

Members of the Armed Forces

13.73 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. The appropriate fee must be paid. “Military training”, “TA training” and “membership of the Army Target Rifle Club” 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 would apply to police Authorised Firearms Officers who wish to shoot in a private capacity. 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.

Chapter 13

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Cartridges	Muzzle energy (ft/lbs)	Vermin & ground game and other small quarry ³	Fox and other medium quarry ⁴	Deer and other large quarry ⁵	Dangerous Game ⁶
.177-.25 Air Rifles (FAC) ¹ .22 RF .17 Remington ² .22 Hornet ²	>12 ft/lbs 100–200 800–900 650–700	Yes	No (Yes for .17 Remington & .22 Hornet)	No	No
.17 Remington ² .218 Bee .22 Hornet ² .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 & .22 Hornet)	Yes	No ⁷ (Yes for .243 & 6mm/.244)	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 13.23)	Yes (but see paragraph 13.25)	No
.338 .375 9.3mm Mauser .416 .458 Win Mag	3,800–4,000 4,500–5,000 3,500–3,900 5,800–6,000 2,900–4,900	No	No	No	Yes

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 only (see paragraph 13.17).
 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.

Chapter 14

LAW ON SHOOTING BIRDS AND ANIMALS

14.1 This Chapter includes details of 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 the relevant contacts (see Appendix 1) about specific legislation.

Deer (England and Wales)

14.2 Section 4(2) of the Deer Act 1991 prohibits the use of certain types of firearm for the purpose of taking, killing or injuring deer. These are set out in Schedule 2:

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.

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 exceptions to section 4(2) and section 2 (taking or killing deer during close season) are set out in section 7.

14.4 Section 6(5) provides that a person is not guilty of an offence under section 4(2) 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 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 (intentionally taking or 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 damage was likely to be caused; or was necessary to prevent any such damage
 - 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 than 12 bore which is loaded with:
 - 1) a cartridge containing a single non-spherical projectile weighing not less than 22.68 grammes (350 grains); or
 - 2) a cartridge purporting to contain shot each of which is .203 inches (5.16 millimetres) in diameter (size AAA).

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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).

14.6 Schedule 1 of the Act sets out the close seasons for deer:

RED DEER

Stags 1 May to 31 July inclusive.

Hinds 1 March to 31 October inclusive.

FALLOW DEER

Buck 1 May to 31 July inclusive.

Doe 1 March to 31 October inclusive.

ROE DEER

Buck 1 November to 31 March inclusive.

Doe 1 March to 31 October inclusive.

SIKA DEER

Stags 1 May to 31 July inclusive.

Hinds 1 March to 31 October.

MUNTJAC AND CHINESE

WATER DEER

No statutory close season.

14.7 For England and Wales, advice on the 1991 Act can be obtained from the Department for Environment, Food and Rural Affairs (DEFRA), Animal Welfare Division (see Appendix 1).

Deer (Scotland)

14.8 Under section 21 of the Deer (Scotland) Act 1996, 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) must 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 serious damage will be caused to crops, pasture, trees or human or animal foodstuffs on that land if deer are not killed, a shot gun may be used. A shot gun to kill deer may only be used by an occupier in person, the servants of the occupier in their ordinary service on the land and other persons normally resident on the land providing they are authorised by the occupier for that purpose. Any other person may only use a shot gun to kill deer in Scotland if they have been nominated by the occupier and authorised in writing by the Deer Commission for Scotland.

Any shot gun used must be of a gauge not less than 12 bore and be loaded with the following ammunition:

1) For shooting deer of any species, a single non-spherical projectile weighing not less than 380 grains (24.62 grams); or

2) 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

3) 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.

c) Various sections of the Deer (Scotland) Act 1996, section 5(6), 5(7), 10(4), 18(2), 19(2) and 26(2) allow for deer to be shot out of season (in certain circumstances). In all cases, such out of season shooting must be linked to damage to woodland, agriculture, foodstuffs or natural heritage or, because of scientific research or, matters of public safety.

LAW ON SHOOTING BIRDS AND ANIMALS

Shooting deer out of season is confined to:

An occupier, or with the occupiers' written permission, an owner or an employee of the occupier or owner, and again with the written permission from the occupier, and person normally resident on the ground. Any other person must be nominated by the occupier and authorised in writing by the Deer Commission for Scotland.

14.9 Close seasons in Scotland are provided in the Deer (Close Seasons) (Scotland) Order 1984, 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.

MUNTJAC AND CHINESE WATER DEER

No statutory close season.

Night shooting of deer

14.10 The relevant provisions are:

England and Wales

Section 3 of the Deer Act 1991 makes it an offence to intentionally kill or take deer at night. Night is defined as being the period between the expiry of one hour after sunset and the beginning of the last hour before sunrise. 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.

Scotland

Section 18 of the Deer (Scotland) Act 1996 makes it an offence to take or willfully kill or injure deer at night. Night is 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 may be granted authorisation from the Deer Commission for Scotland to shoot deer at night if the taking or killing is necessary to prevent serious damage to crops, pasture, human or animal foodstuffs or to woodland and no other means of control which might be reasonably adopted in the circumstances would be adequate.

The Deer Commission publishes a code of Practice for night shooting which sets out the conditions which a certificate holder is obliged to follow. These are:

- 1) The local police must always be informed prior to any night shooting being carried out;
- 2) For the killing of red, sika, sika/red crosses and fallow deer, a rifle shooting a minimum of a 130 grain soft nosed bullet, with a muzzle velocity of not less than 2,450 feet per second and a muzzle energy of not less than 2,250 foot pounds must be used. Practically, such a rifle would not usually be of a calibre less than .270;
- 3) For the killing of roe deer only, a rifle shooting a minimum of a 100 grain soft nosed bullet, with a muzzle velocity of not less than 2,450 feet per second and a muzzle energy of not less than 1,750 foot pounds must be used. Practically, such a rifle would not usually be of a calibre less than .243;
- 4) Where the use of a shot gun is authorised by the Deer Commission the bore and type of ammunition will be specified in the authorisation;
- 5) Authorisations must be returned to the Commission within 7 days of the date of expiry and include all details of numbers and sex of deer killed

Particular attention is drawn to the requirement for larger calibre firearms to be used at night because of deer welfare issues

that could be associated with the night shooting of deer. The Deer Commission recommends that forward shoulder shots are taken which, because of the additional bone and tissue associated with this area of an animal's body, requires a more powerful rifle to be used to facilitate a humane kill.

For Scotland, advice on the 1996 Act can be obtained from the Deer Commission for Scotland (see Appendix 1).

Wildlife and Countryside Act 1981

14.11 The 1981 Act makes it a criminal offence to kill all wild birds, but some ducks and geese may be killed during the open season (see paragraph 14.13). An "authorised person" is also permitted to kill or take those pest species covered by General Licences. The shooting of game birds is covered in paragraphs 14.16 and 14.17 below.

14.12 It is also an offence to kill or injure species listed in Schedule 5 of the 1981 Act. These include adders and smooth snakes, horseshoe and typical bats, bottle-nosed dolphins, common dolphins, common (or harbour) porpoises, otters, wild cats, dormice, pine martens, marine turtles, walruses, whales and red squirrels.

14.13 The exceptions to both these offences are:

- (i) humane destruction of sick or injured birds or animals;
- (ii) incidental harm caused by lawful operations;
- (iii) the emergency protection of crops, livestock, growing timber, fisheries or inland waters etc. under the "farmer's defence";
- (iv) under a licence issued by DEFRA; or
- (v) the killing of certain ducks and geese during the open season.

14.14 For the wildfowl listed below, the close season for areas in or over the high water mark of ordinary Spring tides is 21 February to 31 August, in other cases 1 February to 31 August:

- Coot, Tufted Duck, Gadwall, Goldeneye, Canada Goose, Greylag Goose, Pink-

Footed Goose, White-fronted Goose (England and Wales only), Mallard, Moorhen, Pintail, Golden Plover, Pochard, Shoveler, Teal, Wigeon, Woodcock.

14.15 The 1981 Act also prohibits the use of automatic and semi-automatic weapons (those with a magazine which is capable of holding more than two rounds, as defined in the EC Wild Birds Directive (79/409/EEC)) against certain wild animals or birds except under a licence issued by DEFRA or the Scottish Executive Environment and Rural Affairs Department (SEERAD). The term semi-automatic, for the purposes of the Wildlife and Countryside Act 1981, includes pump-action shot guns or rifles.

Game

14.16 A Game Licence is needed to kill, take or pursue game and deer on unenclosed land. Game for these purposes is: hares, pheasants, partridges, grouse, heath or moor game, black game, woodcock, rabbit and snipe. The holding of a shot gun or firearm certificate does not exempt a person who kills or takes game from the requirement to possess a Game Licence.

14.17 Game birds are subject to close seasons as follows:

England and Wales

Partridge	between	1 February and 1 September
Pheasant	between	1 February and 1 October
Black Game	between	10 December and 20 August*
Grouse	between	10 December and 12 August
Capercaillie	between	1 February and 30 September
Woodcock	between	31 January and 30 September
Common Snipe	between	31 January and 11 August

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

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NOTE: In England and Wales it is also an offence to kill or take game on a Sunday or Christmas Day during the open season. Specifically, the Sunday shooting of waterfowls and waders is not permitted 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 & West Ridings of Yorkshire.

Scotland

Partridge	between 1 February and 1 September
Pheasant	between 1 February and 1 October
Muirfowl (grouse)	between 10 December and 12 August
Ptarmigan	between 10 December and 12 August
Capercaillie	between 1 February and 30 September
Heathfowl (black game)	between 10 December and 20 August
Woodcock	between 31 January and 31 August
Common Snipe	between 31 January and 11 August

NOTE: Although there are no statutory restrictions on game shooting on Sundays or Christmas Day during the open season in Scotland it is customary that shooting on a Sunday should only take place after noon in order to prevent the disturbance of church services.

Ground Game (England and Wales)

14.18 In England and Wales ground game (hares and rabbits) have no close seasons, but can only be shot under the Ground Game Act 1880 (as amended by Ground Game (Amendment) Act 1906) on moorland and unenclosed land from 1 September – 10 December by occupiers of land or people authorised by occupiers of land. But they can be killed or taken by other means between 1 September and 31 March. Under the

Conservation (Natural Habitats) Regulations 1994, Blue (mountain) hares cannot lawfully be shot with automatic or semi-automatic firearms with a magazine capable of holding more than two cartridges.

Ground Game (Scotland)

14.19 In Scotland ground game have no close seasons, but can only be shot under the Agriculture (Scotland) Act 1948 on moorland and unenclosed land from 1 July – 31 March by occupiers of land or people authorised by occupiers of land. The Conservation (Natural Habitats) Regulations 1994 (see paragraph 14.18) also applies to Scotland.

Night Shooting of Ground Game

14.20 The relevant provisions are:

England and Wales

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 exception 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

Sections 50 and 50A of the Agriculture (Scotland) Act 1948, which also prohibited shooting at night, were also 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 so to use a firearm.

England, Wales and Scotland

The amended versions of the 1880 and 1948 Acts appear to override the restrictions on night shooting of hares with firearms under the Hares Act and Hares (Scotland) Act 1848. However, section 6 in England and Wales does not exempt a person who merely holds the shooting rights and who could not be deemed to be an “authorised” person under the Act.

Badgers

14.21 The Protection of Badgers Act 1992 makes it a criminal offence to kill 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 DEFRA). If badgers are to be shot, 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.

Dogs

14.22 Section 9 of the Animals Act 1971 provides a defence for shooting 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.

Pests Act 1954

14.23 Under the Pests Act 1954, 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

14.24 Legislation relating to seals is to be found in The Conservation of Seals Act 1970 together with Orders made by DEFRA. The Act provides for the killing of seals to prevent damage to fishing nets etc. by the owner or a person acting on their behalf. The Act does not stipulate whether the fisherman or equipment refers only to sea fishing or whether it also includes freshwater fishing. Licences to kill seals can also be issued by DEFRA. 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. The Scottish Executive Environment and Rural Affairs Department (SEERAD) issue licences to kill seals in Scotland and can also make Orders in the way that DEFRA can in England and Wales.

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 shot gun permits are dealt with separately in Chapter 27.

Introduction

15.2 Chief officers of police are authorised by the 1968 Act to issue permits in certain circumstances when it would not be appropriate to issue a firearm or a shot gun 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. 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 or liquidator 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 (although section 5(1) of the 1988 Act allows the holder of such a permit to purchase section 2 (shot gun) ammunition). If it does not specify possession only, it will be assumed by default that the permit allows use. Firearms that are normally subject to section 5 of the 1968 Act, for example small firearms held under the exemptions in sections 2 to 7 of the 1997 Act, cannot be held on a permit.

15.3 Permits should not routinely be used by chief officers of police to deal with delays in renewing certificates. However, there will be circumstances where it would be appropriate for the chief officer to issue a permit where

the renewal of a certificate is so delayed that the applicant may otherwise be left without authority to continue possessing and using their firearm and ammunition. This might not be the case where the applicant has been uncooperative and is 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.

Types of Permit

15.4 The various forms for issuing permits are:

- *Form 111* authorises, under section 7(1) of the 1968 Act, the possession and use (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 that it covers, and must show a specific date on which it expires. Although section 7(1) authorises possession and use it does not allow acquisition of a firearm or ammunition, nor does it allow possession of expanding ammunition.
- *Form 112* is similar to form 111 but relates to shot guns. It should specify the shot guns to which it relates (see paragraph 15.2 about the purchase of section 2 ammunition).
- *Form 113*, issued under section 9(2) of the 1968 Act, permits an auctioneer to sell by auction, expose for sale by auction or have in their possession for sale by auction, the firearms or ammunition specified in the permit until the date of expiry shown on the permit.
- *Form 114* is similar to form 113, but should be used for shot guns. It should also specify the shot guns to which it relates.

Chapter 15

PERMITS

- *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 sale, breaking up, return to store, or removal to another ship or hovercraft) and also 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 of 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. The permit should be issued only 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

15.5 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 of each case:

In the case of permits relating to firearms and (section 1) ammunition:

- 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:

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

Chapter 16

PROCEDURE FOR REGISTRATION OF FIREARMS DEALERS

16.1 This Chapter sets out the requirement for the police to keep a register of firearms dealers, the means by which applications to go on the register are considered, the form and conditions of registration, and the certificates of registration themselves. It also provides information on police inspection of those registered, removal from the register and the requirement placed on dealers to notify transfers.

Statutory requirement to keep a Register

16.2 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

16.3 Section 33(2) requires the chief officer of police to enter in the register the name of any persons (including bodies corporate) who have, or propose to have, a place of business in the police area which applies, furnishes the prescribed particulars and pays the prescribed fee 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 satisfied that the applicants will not engage in business as firearms dealers to a substantial extent or as an essential part of other trades, businesses or professions.

16.4 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 offices 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, however, be factors in any decisions reached.

16.5 Account should 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 areas 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.

16.6 The attention of anyone applying to run a dealership from home should be brought to the planning acts, and that they should, if in any doubt, contact their local planning office for advice.

16.7 As regards paragraph 16.3 (c), a chief officer will be required to reach a conclusion about the level of business likely to be conducted by any new applicant. Factors which may need to be taken into account will include the size and location of premises for conducting the volume of business proposed and the extent of any other business activities being carried on. Where appropriate, the applicant should provide a business plan and

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be able to show that they will be providing a service to the public. 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 meet the “substantial business” test. In determining (c) in respect of applications from existing dealers, it should be sufficient to reach a conclusion on the basis of the volume 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. The substantial extent test must be applied on a relative rather than an absolute basis in the context of the business under consideration. 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. On the other hand, the dealer provisions should not be used to facilitate private collections of firearms and shot guns. Nor should they be used by a dealer to provide a service to friends and associates only, rather than to the general public.

16.8 The requirement in paragraph 16.3(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 may be required.

16.9 An applicant for registration must give the prescribed particulars. A suitable form is described at part 1 to 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.

16.10 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. It should be noted that chief officers have no discretion 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 (see Chapter 3).

16.11 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 unless, under section 34(4) of the Act, 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. 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 application 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 the strongest grounds such as that the location of the business gives rise to real concerns about the safety of firearms and ammunition stored there.

16.12 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 will doubtless wish to consult each other in cases of this kind, but the conditions of registration should be appropriate to each premises and need not be the same in each police area.

Game fairs

16.13 Firearms dealers wishing to carry on business, including exhibiting for the purposes of their business, at game fairs etc. in another force area should be registered by the chief officer of police for that area and required to pay the appropriate registration fee. Contact between the police areas

PROCEDURE FOR REGISTRATION OF FIREARMS DEALERS

involved should help to expedite decisions on such applications.

Form of Register

16.14 Although section 40 of the 1968 Act and Rule 10(4) of the Firearms Rules 1998 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 (Schedule 2 section 8 Firearms (Amendment) Act 1997).

16.15 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 should be encouraged to purchase such registers but in any event the actual register used should conform to that design. Exercise books and card index systems do not amount to a register in law and should not be accepted.

16.16 If kept by means of a computer, the legislation (section 40(4) 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 (floppy disk, zip drive, tape etc) 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.

16.17 Legislation requires that the register be retained for up to five years from the date of the last transaction.

16.18 Firearms dealers should also be encouraged to keep separate registers for firearms, ammunition, repairs and prohibited weapons. In the last case this will generally

be a condition of the grant of the Secretary of State's authority.

Conditions of Registration

16.19 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 Guidance. The Appendix also lists a number of other conditions. These should not be applied automatically (see Part 3 of the "Consolidated Guidance on Firearms Security"), but selectively in exceptional circumstances. 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.

16.20 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 particulars in writing and 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.

16.21 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.

16.22 In addition to inspecting premises before registration, dealers' premises should

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be visited from time to time 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 support staff, authorised in writing by the chief officer of police. Such written authorisation must be produced on demand.

16.23 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).

Certificates of registration

16.24 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 but forms 117 and 118 may be obtained for this purpose from The Stationery Office. Form 117 constitutes the certificate of registration for the dealer and lists all the premises from which the dealer operates and any conditions imposed on the principal place of business. 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

16.25 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. 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

16.26 As stated in the introduction, 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.

16.27 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/CPOs) depending on individual force circumstances.

16.28 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.

Levels of Inspection

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.

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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.

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.

When the inspection is complete the registers should be ruled off and signed by the Inspecting Officers. If practicable, all "open entries" should then be brought forward, and the original entry suitably cross-referenced. This will allow for fewer registers being kept open with only one or two entries in them and will lessen the likelihood at the next inspection of missing an item. It is acknowledged that in some businesses this will not be possible.

Dates of visits, types of inspection and the outcome of any enquiries should be recorded on police files.

In the event of revocation, cancellation or surrender of a dealer's certificate of registration, notification should be sent to all other forces.

HM Customs & Excise (HMC&E)

Under a Joint Agreement with ACPO and ACPOS, HMC&E have a role with the inland control of firearms dealers and audit records and transactions held by dealers, including the firearms register, in order to counter and deter illicit imports and diverted exports.

HMC&E have their own rolling programme of inspections, which are carried out on the basis of risk assessment. Forces are encouraged, in order to minimise interference with licit trade, to make joint visits. In any event it is good practice to contact the local HMC&E Firearms and Explosives Officer (FXO) before undertaking any inspection or visit to a firearms dealer. The FXO will, whenever practicable, seek to arrange Customs visits to coincide with police visits.

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

16.29 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).

16.30 A dealer's name may be removed:

- a) by the chief officer of police in the circumstances set out in section 38(1) of the 1968 Act; or
- b) at the 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 (section 38(6) of the Act); or
- d) by the order of a court (section 45(1)(a) of the Act).

16.31 As regards paragraph 16.30(a) it is undesirable to retain on the register a person who is no longer carrying on business as a

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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).

16.32 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.

16.33 A valid notice of appeal cannot be lodged with the Crown Court until after the second letter has been issued, as the dealer will not be "a person aggrieved by the removal of his name from the register" (as required by section 38(7) of the 1968 Act) until that time. 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.

16.34 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. Should a dealer's name be removed from the register, they are no longer allowed to trade in firearms whether or not a court has ruled that they may keep their certificate pending an appeal under section 44 of the 1968 Act.

Notification of Transfers

16.35 In transferring firearms and shot guns 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 who issued the certificate by recorded or special delivery within 7 days.

16.36 Although the instructions allow for recorded or special delivery, notification by fax has become accepted as recognised practice, by some forces, but in such cases the firearms dealer must keep a hard-copy back-up which can be produced if called for, and in cases of doubt the burden of proof lies with the dealer.

16.37 Dealers should also be positively encouraged to notify when accepting a firearm in part exchange or when accepting a gun from "person unknown" and notwithstanding the provisions of section 43 of the 1997 Act, when firearms are handed in to them for destruction. In cases where firearms are to be destroyed the 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.

16.38 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 should be encouraged to do so with an explanation as to the exemption. It should be noted that postal sales are no longer permitted other than dealer to dealer or to those who are exempt for certification purposes. The recipient dealer should show the weapon coming into the register and going out.

Servants

16.39 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.

16.40 Until such times as the situation can be resolved by a change to the primary

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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.

16.41 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.

Section 5 authorities

16.42 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.

16.43 The authority is issued subject to any condition the Secretary of State and 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. No person having been granted such an authority can be refused registration by the chief officer

of police on the grounds of danger to the public safety or to the peace.

16.44 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 16.26 to 16.28 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 or the Scottish Ministers is subject to the conditions of that authority. The Home Office and the Scottish Executive Justice Department holds a current list of those so authorised and the list can be obtained from them.

16.45 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 FXO of local HM Customs and Excise 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.

16.46 In checking registers/holdings care should be taken in respect of those firearms which, in effect, have two different classifications. Small firearms, when held by a dealer are subject to section 5(1)(aba) but when transferred to 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 Executive Justice Department if the authority is to be renewed or amended by the Secretary of State, or the Scottish Ministers.

Stolen weapons/certificates

16.47 The Gun Trade Association (GTA) now has access to the Police National Computer (PNC) register of stolen weapons and in addition publish a list of lost/stolen certificates in their monthly Newsletter. However, not all registered firearms dealers are members of the GTA therefore forces should continue to 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 PNC.

Chapter 17

MUSEUM FIREARMS LICENCES

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 1968 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:

- a) to possess, purchase or acquire for the purposes of the museum, firearms and ammunition which are, or are to be, normally kept or exhibited on the museum premises (or such of them as are specified in the licence), without holding a firearm or shot gun certificate; and
- b) where the licence so provides, to possess, purchase or acquire prohibited weapons and prohibited ammunition for these purposes without the authority of the Secretary of State under section 5 of the 1968 Act.

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:

- 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) which is for the time being fully registered with Resource, The Council for Museums, Archives and Libraries.

17.4 A museum licence cannot be granted to a non-registered, 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 certificate should be considered. A museum licence does not provide for the disposal or transfer, temporary or otherwise, of prohibited weapons or ammunition to which it may relate. A separate application must be made to the Secretary of State or the Scottish Ministers for authority under section 5 of the 1968 Act.

17.5 In most cases the publicly funded nature of a museum will be self-evident but where doubt arises the Home Office or the Scottish Executive Justice Department will make enquiries of the museum authorities. Enquiries about registration may be made to Resource, The Council for Museums, Archives and Libraries, 16 Queen Anne's Gate, London, SW1H 9AA.

Applications for a museum licence

17.6 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, AACDU, Firearms Section, 50 Queen Anne's Gate, London, SW1H 9AT. In Scotland, the Scottish Ministers are the issuing authority for such licences. Applications for museums in Scotland must be made to the

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Scottish Executive, Justice Department, Police Division, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD.

17.7 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 Executive Justice Department, 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

17.8 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 Executive Justice Department. It should be noted that these inspections and reports should only cover arrangements for safe custody, and 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.

Conditions that may be added to museum licences

17.9 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 17.8 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.

17.10 A licence may be granted for all the museum's buildings or for particular premises of the museum. Should the museum have a number of separate premises but 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

17.11 Following consideration by the Home Office or the Scottish Executive Justice Department, 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 Executive)" at Home Office Accounts Branch, Cashier's Office, 4th Floor, India Buildings, Water Street, Liverpool or the Scottish Executive Central Accounting Branch, Mail Point 11A, Third Floor West, Victoria Quay, Leith, Edinburgh, EH6 6QQ as appropriate. The licence will be issued to the museum and copied to the chief officer of police.

17.12 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 that for a grant.

Variation of museum licences

17.13 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

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- 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.

17.14 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 Executive Justice Department, 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 Executive Justice Department. Where difficulties arise, every effort should be made to consult fully with the museum authorities.

17.15 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

17.16 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.

17.17 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 Executive Justice Department. Where a problem arises over security arrangements, the museum authorities should be approached in the first instance with a view to resolving any difficulty.

17.18 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.

17.19 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

17.20 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 persons 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.

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17.21 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 director, manager, secretary or other similar officer of the body corporate, or 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 AND CADET CORPS

18.1 This Chapter details procedures for club approval, and deals with issues such as the use of ranges, security of premises and good practice in club administration. It includes information about the renewal of licences, club inspections and the requirement on the police to maintain a register of clubs. This Chapter also includes information about how the Firearms Acts relate to cadet corps and school target shooting clubs.

Introduction

18.2 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 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. It is lawful for a member of an approved club to possess temporarily a firearm belonging to another person for target shooting as a member of the club. 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.

18.3 Whether approved or not, miniature rifle clubs are entitled to the exemption in 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 paragraph 6.3). 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.

Procedure for club approval

18.4 All applications for the approval of the Secretary of State or the Scottish Ministers should be made on form 124. This form is produced and kept by the principal shooting associations (the National Rifle Association, the National Smallbore Rifle Association and the Muzzle Loaders Association of Great Britain) but each police force should keep a small supply for use, if requested, by those few clubs which are not affiliated to these associations. Part A of the form is completed by the applying club secretary and submitted to the chief officer of 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 secretary resides. Forms for renewal are usually supplied by the police.

18.5 If the chief officer of police is satisfied that the club satisfies the criteria for approval, the police 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.

18.6 Once the above has been done, the form should be submitted without delay to the Home Office or the Scottish Executive Justice Department.

18.7 Should a club not be immediately in a position to satisfy the criteria, but it appears that given time it will be, the club secretary 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 are such that they satisfy the criteria, part B of the form should be completed by the police and submitted to the Home Office or the Scottish Executive Justice Department. Should the club not be in a position to satisfy the criteria at the end of the six months period, part B should be left blank and the form submitted to the Home Office or the Scottish Executive Justice Department with a covering letter explaining why approval has not been recommended.

18.8 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 safety certificates covering the muzzle energy and velocity of the weapons to be fired;
- ii) the security arrangements for the storage of club firearms and ammunition 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 18.13; and
- iv) there are no other considerations which would make the club unsuitable for approval.

Ranges

18.9 The ranges which a club cite when applying for approval should be available for the club to use on a minimum of

six occasions a year, although in some circumstances a lower frequency of use might be justified. Access to a suitable range in another part of the country is unlikely to be sufficient to qualify for approval purposes unless the reason for using it has been satisfactorily established.

18.10 Current arrangements for the inspection of the range by the military authorities relate only to questions of safety insofar as they affect the structure of the range and access to points where danger may occur in use. The only provision for such military inspection is on the request of the club and is normally related to initial construction or later modification. Difficulties may arise if a range safety certificate is issued relating to a range which is considered by the police to be unsafe from other points of view affecting public safety (for example fire hazards). To overcome such difficulties, people applying for a range safety certificate should in all cases obtain from the chief officer of police concerned a letter stating whether or not there is any objection from the public safety point of view to the site of a proposed range. The military authorities will remain responsible for satisfying themselves as to the safety of the range from the structural point of view. If the police believe that a range has deteriorated to the point at which it is no longer safe they should notify the club as to what they consider the deficiencies to be. It is also necessary to inform the Home Office or the Scottish Executive Justice Department.

18.11 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 20 of the Licensing Act 1964 and section 15 of the Licensing (Scotland) Act 1976, 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. If applications are made to the military authorities for approval of a range situated on licensed premises and chief officers are approached for a letter stating that they have no objection to the siting of

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the range, the case should be referred to the licensing authority in the first instance. Chief officers will then be able to say in their letter to the military authorities whether or not the licensing authorities have any objection. The application should not be submitted to the Home Office or the Scottish Executive Justice Department until the licensing authorities, the chief officer and the military authorities have had the opportunity to express any objections they may have.

Security of club premises

18.12 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 the Secretary of State and the Scottish Ministers take the view that 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 paragraph 22.15).

Administration of clubs

18.13 The Secretary of State and the Scottish Ministers attach great importance to the responsible administration of approved clubs and will wish to ensure that the following criteria are complied with:

- 1) the club is a genuine rifle or muzzle-loading pistol club with a written constitution;
- 2) the principal officers of the club are responsible persons who can be entrusted with the proper administration of the club;
- 3) the club has at least 10 members at the time of application for approval and at all times whilst approved unless, exceptionally, the Secretary of State or the Scottish Ministers determine that there are special circumstances which justify a lesser number;
- 4) members must be of good character;
- 5) the club must appoint a member to act as a liaison officer with the police and the chief officer of police must have confidence that this person is providing the police with such information as they require to ensure that the activities of the club and its members are conducted properly and safely and give no cause for concern;
- 6) the club will maintain a register of the attendance of all members with details for each visit of the firearms which they used and the competitions, if any, in which they took part;
- 7) the club will inform the police of any holder of a firearm certificate who has ceased to be a member for whatever reason;
- 8) the club will inform the police if any member who holds a firearm certificate has not shot with the club for a period of 12 months;
- 9) the club will inform the police of any application for membership, giving the applicant's name and address, and of the outcome of any application;
- 10) no application for full or probationary membership will be granted unless the applicant has informed the club of whether they have ever had an application for a firearm or shot gun certificate refused by the police, or had a certificate revoked;
- 11) members, prospective members and guests must be asked to sign a declaration to say that they are not prohibited from possessing a firearm or ammunition by virtue of section 21 of the 1968 Act (as amended). (This will usually apply to persons who have served a term of imprisonment);
- 12) the club has regular use of ranges with safety certificates for the categories of firearm in respect of which approval is sought or given, as the case may be;
- 13) the security arrangements for the storage of club firearms and ammunition are satisfactory;
- 14) the club does not run a day or temporary membership scheme;

- 15) the club does not have more than 12 guest days a year. Guest members must be either members of a recognised outside organisation or individuals who are known personally to at least one full member of the club;
- 16) guests must be supervised on a one-to-one basis at all times when handling firearms and ammunition, by either a full club member or someone who is a coach with a qualification recognised by the UK or national Sports Council. The club secretary must notify each guest day to the police firearms licensing department of the area in which the guest day is to take place, at least 48 hours in advance;
- 17) anyone who applies for membership must be sponsored by at least one full club member;
- 18) before becoming a full member, individuals must have a probationary period of at least 3 months during which time they must attend and shoot regularly. The probationary member must be given a course in the safe handling and use of firearms on a one-to-one basis by someone who is either a full member of the club or who is a coach with a qualification recognised by the Great Britain Target Shooting Federation and governing bodies;
- 19) until a probationary member has satisfactorily completed a course in the safe handling and use of firearms, they must be supervised at all times when in possession of firearms or ammunition by either the range officer, or a full member of the club, or someone who is a coach with a qualification recognised by the Great Britain Target Shooting Federation and governing bodies;
- 20) the probationary period may be waived, at the club's discretion, for someone who
 - is already a full member of another club which has been approved by the Secretary of State or the Scottish Ministers in respect of the same type or types of firearm; or
 - holds a firearm certificate; or
 - has handled firearms in the course of their duty in the police or the armed services, and has a statement from their existing or former senior/commanding officer saying that they are fully trained in handling the type of firearms in respect of which the club has obtained approval and is able to use them safely without supervision;
- 21) the club never has more probationary members than full members unless the Secretary of State or the Scottish Ministers determine that there are special circumstances which justify a greater number of probationary members; and
- 22) there is nothing else that would make the club unsuitable for approval.

These criteria should be read in conjunction with the notes in the Home Office leaflet "Firearms – Approval of Rifle and Muzzle-loading Pistol Clubs".

18.14 The approval criteria for school target shooting clubs differ significantly from the above and are as follows:

- 1) target shooting with full or small-bore rifles should be an authorised school activity;
- 2) all aspects of shooting at the school must be under the control of one experienced who is nominated by and responsible to the Head Teacher. This person must have personal experience of shooting with the weapons used by the club and at least one year's experience of exercising control of the age group of pupils concerned;
- 3) the school must have regular use of ranges which are suitable for the categories of firearm to be used;
- 4) the security arrangements for storing the school firearms and ammunition must be satisfactory;
- 5) 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 Great Britain Target Shooting Federation and governing bodies;
- 6) 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 under section 15 of the 1988 Act, full members

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of rifle clubs approved under that section, members of Cadet Corps approved by the Secretary of State or the Scottish Ministers or individuals who hold a personal firearm certificate and shoot in accordance with the terms of that certificate;

- 7) the school does not allow shooting by guests on more than eight 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 with a qualification recognised by the Great Britain Target Shooting Federation and governing bodies. The Head Teacher or the responsible adult at the school must tell the local police about guest days at least 48 hours in advance;
- 8) 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;
- 9) 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;
- 10) the school will inform the police of any holder of a firearm certificate who has ceased to be a member of the club;
- 11) the school will inform the police if any member who holds a firearm certificate has not attended a meeting for a year; and
- 12) there is nothing else that would make the school unsuitable for approval.

Disclosure of information

18.15 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 of the

outcome of any application. The notes on the criteria for Home Office approved club status indicate that clubs should make their own arrangements for assessing whether members or prospective members are of good character and that police firearms licensing departments 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 of good character.

18.16 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 notified that they are unsuitable. No other details should be supplied to the club. The club liaison officer should then inform the applicant that the police consider them to be unsuitable and refuse the application. In doing so, the applicant should be given the contact details of the police firearms licensing officer to enable the individual to make representations should they so wish.

Grant of approval

18.17 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. 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.

18.18 The categories of firearm for which a club may apply for the approval of the Secretary of State or the Scottish Ministers are full-bore rifle, small-bore rifle and muzzle-loading pistol. The decision on

which categories are specified will mainly depend on the availability of suitable ranges.

Free firearm certificates for approved clubs

18.19 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 and 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 rifles or muzzle-loading pistols of a type 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 privileges to members.

18.20 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 range or to use an additional range regularly (this does not apply to regular competitions between approved clubs). Changes of club secretary or club title must also be notified.

18.21 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 Executive Justice Department when a club loses the use of a suitable range and consideration might have to be given to the withdrawal or limitation of the Secretary of State or the Scottish Ministers' authority.

18.22 Letters of approval are issued in the name of the club and do not cease to be valid if the secretary changes. However, it is desirable that changes of secretary are notified to the Home Office or the Scottish Executive Justice Department to ensure that

records are complete. Chief officers of police should also notify by letter any change of club title and confirm that the new club remains suitable for approval. A letter confirming approval in the club's new name will then be issued.

Subsequent checks on approved clubs and ranges

18.23 Rifle and muzzle-loading pistol clubs approved by the Secretary of State or the Scottish Ministers 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. Inspections might include whether or not the ranges used by the club remain safe, both for members and for the general public, and that the standard of the organisation and membership of the club remains satisfactory. The club's attendance register should also be checked to ensure that all members with personal firearm certificates are regularly shooting all their guns 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.

18.24 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 Executive Justice Department. In most circumstances, representations on the matters raised may be invited from the club secretary by the Home Office or the Scottish Executive Justice Department.

Extension of club approval

18.25 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 18.4–18.7 and 18.17. No fee is payable on the extension of an approval.

Club renewals

18.26 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. Form 124 is available for this purpose and should be submitted under the same procedure as set out in paragraphs 18.4–18.7.

Police records

18.27 Chief officers of police should maintain an index of all clubs situated in their police area approved under section 15(1) of the 1988 Act. Details of the club's secretary, police liaison officer and ranges 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

18.28 Section 11(3) of the 1968 Act was repealed by the Armed Forces Act 1996 and replaced by section 28 of that Act. Section 28 of the Armed Forces Act amended the definition of Crown servant in section 54 of the 1968 Act to include “members of any cadet corps approved by the Secretary of State engaged as a member of that corps in...target practice”. Effectively, therefore, 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 without the need for a firearm certificate (section 54(2)(a) of the 1968 Act).

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.

19.2 The 1998 Rules prescribe safe keeping conditions to appear on a firearm certificate. Rule 3(4)(iv) of the 1998 Rules creates two levels of security:

- Paragraph (a) provides for the firearms and ammunition to be stored securely at all times except as provided in paragraph (b), so as to prevent, as far as possible unauthorised access; and
- Paragraph (b) lists the circumstances in which the security requirements of paragraph (a) do not apply:
 - when the firearms or ammunition are in use;
 - when certificate holders have the firearm with them for cleaning, repairing or testing it or in connection with its use, transfer or sale; or
 - the firearm or ammunition is in transit in connection with any of these purposes.

Under these circumstances 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, in the “Firearm Security Handbook” published by the Home Office in 2000 and the “Consolidated Guidance on Firearm Security” produced jointly by the Home Office and the Association of Chief Police Officers in 1999.

19.3 A similar safekeeping condition appears on a shot gun certificate. The only difference is that the condition does not extend to shot gun cartridges.

Secure Storage

19.4 The “Consolidated Guidance on Firearm Security” referred to above provides advice on security measures appropriate to different types of firearms and ammunition in different circumstances. Forces are advised to adopt this guidance as a matter of general policy in the interests of consistency, taking account of individual circumstances as necessary.

19.5 Forces should note that 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 Firearms Rules 1998 deal with the safekeeping of firearms including shot guns. These Rules make it clear that it is a prescribed condition of the certificate:

“Firearms and shot guns to which this certificate relates must be stored securely at all times (except in certain circumstances) so as to prevent, so far as is reasonably practicable, access to the guns by unauthorised persons.”
(Note: this includes section 1, but not shotgun (section 2), ammunition)

19.7 The Rules do not however prescribe the form of safekeeping or security. As with all aspects of crime prevention, the police must look at the individual circumstances of each case and at the overall security arrangements which will be in place. The level of security should be proportionate to the risk and each

case must be judged on its merits. Advice should be balanced and reasonable as well as comprehensive.

19.8 It is not the intention of the Government to reduce the number of firearms held by certificate holders. The misuse of firearms mainly involves those in unlawful possession of them. A firearm is like any other property which needs protecting from the burglar/housebreaker or thief.

Factors for chief officer consideration

19.9 These may 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, which is a more important factor. 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. For example, modern multi-shot handguns may be more attractive to criminals than shot guns, which would in turn be more attractive than rifles or older types of gun. Muzzle-loading firearms, whether original or reproduction, are not generally considered attractive to criminals;
- g) The number of firearms held;
- h) Whether it is generally known that firearms are stored on the premises.

The certification procedure

19.10 Perhaps the most important time when security questions are raised is when applications are made for the grant of a firearm or shot gun certificate. At such times the applicant will be seeking advice about the best security arrangements and this will provide a valuable opportunity to provide sensible, well reasoned 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.

19.11 Renewals or variations of firearm certificates, or the renewal of a shot gun certificate provide further opportunities to assess security and safety. In practice there should be no need for significant change if the recommendations made at the time of the grant were accepted and implemented, and there has been no subsequent change in circumstances.

Applying this guidance

19.12 This Guidance should be applied with a view 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 shot gun certificate holders.

19.13 It is important that the proposals in each case take into account the safety of the occupants of the premises; in particular, attention is drawn to the provisions of the Fire Safety Acts, building regulations and the Occupiers Liability Act.

19.14 Attention is also drawn to the building regulations in respect of provisions for emergency escapes from buildings including dwellings. For security purposes in this document, no requirement can 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.

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19.15 If there is reason to believe that there is a conflict between the need for security for firearms and any regulations appertaining to the safety of persons in that building, then advice must be sought from the agency responsible for the regulations.

19.16 Some situations and locations are such that these general principles cannot or do not provide the security commensurate with the risk. The security provisions in these cases can be appropriate even though they do not accord with this Guidance. Every case must be judged on its individual merits, with this document providing general guidelines rather than strict rules.

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 children are in the house. 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. With regard to shared security, such as a firearm and a shot gun 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 considered suitable for this purpose.

19.18 Under most circumstances, it is preferable that firearms should be secured within the occupied structure of a dwelling. Separate, detached buildings, or those attached but having only external access, for example outhouses, garages etc. should not be used unless the levels of security warrant

it. If used, these could also be protected by an intruder alarm linked to the household.

19.19 In some modern houses, thermal block is used for the inner skin of main walls. This does not provide as substantial an anchorage point for security devices as those that can divide integral garages from living areas, for example. (Integral garage means those built within the dwelling and providing internal door(s) to the other living areas). Whilst 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. It should be considered as an option after reviewing all other locations within the inhabited part of the premises.

19.20 If the certificate holder’s dwelling is a mobile home or static caravan, a different set of security concepts should be adopted. Details will be found in the “Firearm Security Handbook”. These are primarily concerned with the anchorage of the structure. That structure’s capability to store items securely may well require that an extra layer of security is needed to “target harden” the unit. It is unlikely that a gun room can satisfactorily be constructed within such a dwelling or unit of this type.

19.21 As with any other valuable articles, the security of firearms should be considered in layers:

- (i) **The Outer Layer.** The protection of the surroundings etc which are necessary for particular situations or risks. Exterior lighting, approaches overlooked etc.;
- (ii) **The Secondary Layer,** a protection of the surrounding structure (the building or part of a building) which contains the immediate or core layer for the firearms;
- (iii) **The 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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19.22 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.

19.23 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, then those parts of the dwelling can be taken to have satisfactory security in respect of the secondary layer above.

The broad levels of security

19.24 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

19.25 The security of firearms, ammunition and shot guns within a dwelling can in most cases be achieved by the provision of 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 “Firearm Security Handbook”. The cabinet should be fixed to the structure of the building and suitably located to frustrate or obstruct the points of attack or identification by persons visiting the premises. BS7558 was introduced in 1992, but many older cabinets will be built to perfectly satisfactory standards and, if satisfactory, need not be replaced.

19.26 As an additional level of security, ammunition and easily removable component parts – such as rifle bolts etc. – ought to be stored separately from the firearms they fit. 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.

19.27 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 inactive should be stored separately.

19.28 When only one rifle or shot gun is held and a low 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.

19.29 In the cases of more modern houses, the above requirements will be met in properties with PVCu doors or specialist doors by a multi-locking system, gear or bar link operated, which is secured by a deadlock. These requirements will also be met in properties with PVCu or specialist windows by a similar style of internal mounted system, gear or bar link operated, secured by a keyed lock, either handle or independently mounted.

19.30 If you give 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

19.31 Where the individual circumstances are such that additional considerations for security might be made (for example, a high crime location, building regularly unoccupied, substantial number of firearms on the premises, repeat victimisation etc.), in addition

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to the provision of a suitable cabinet, gun room or safe, the following may be considered:

- a) The 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 active-key operated. These should ensure casement-to-frame locking along the length of 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) Splitting the risk by dividing up the number of guns between several secure locations.

19.32 For these purposes, a “substantial” number of firearms should be measured 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 six and ten, depending on the type of firearm concerned, whilst anything over ten would rarely, if ever, be lower than level 2. For these purposes, sound moderators, spare barrels, spare cylinders and component parts should not normally be considered as part of this total.

19.33 If the certificate holder provides a different form of security which equates to that provided above (such as providing 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

19.34 If the risk is assessed as being greater than the previous level (for example by virtue of a high crime rate, certain high profile certificate holders, large numbers of firearms held etc), 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 break down 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, then a system with signalling should be sought. The provisions of the ACPO intruder alarm policy of 1995 should be considered if a signalling system is to be installed.

19.35 For these purposes, “large numbers of firearms” may be taken as meaning more than twelve guns, but excluding any antique firearms held as curiosities or ornaments. For these purposes, sound moderators, spare barrels, spare cylinders and component parts should not normally be considered as part of this total.

Ammunition

19.36 As a matter of best practice, ammunition for section 1 firearms should be kept secure apart from the firearm. Although secure storage of shot gun cartridges is not a requirement of the Firearms Acts, it is sensible to recommend that these should be locked away for both security and safety, especially where there are children in the house.

19.37 Although ammunition is not generally a serious fire hazard, in advising on the location of any ammunition container, ensure that it is not in an area exposed to a risk of fire. It is also not advisable for an ammunition container to be located in the area of an escape route from a room where there is a fire risk (for example a kitchen). 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

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articles such as gunpowder, primers or large quantities of cartridges etc.

Siting and fixing of devices

19.38 Any firearm security cabinet etc. should be sited out of view from people both inside and outside the building. Securing to suitable building walls within built-in furnishings, that is wardrobes, cupboards, lockers etc. can prove effective. Rooms such as lofts and cellars for example, that are unlikely to be visited by casual visitors, are an option. However, when recommending such places, it is important to consider whether the environment is suitable. Extremes in temperature, dampness, condensation etc. may militate against such use, as not only could it result in damage to the firearms and ammunition but particularly in damp areas, it may cause erosion of the fixings or the cabinet material, thus reducing its security.

19.39 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.

19.40 In advising on the location of any security cabinet, remember 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" (60.1 x 30.1 cm) footprint can be in the order of 126 lbs per square foot which equates to more than a safe average suspended floor loading. Obviously, any fixing to a wall will reduce this loading. Joist ends are a more suitable fixing location than joist runs.

19.41 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 proper structural advice.

19.42 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 bolts chosen are 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.

19.43 When cabinets 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 perfectly acceptable to fix cabinets horizontally, as long as appropriate fixing devices are used.

19.44 This will also assist when fastening into suspended wooden flooring, as it spreads the load more evenly. In this case, coach screws of at least $\frac{3}{8}$ " (9.5mm) diameter and not less than 2.5" (63.5mm) long will normally provide a suitable anchorage. However, where screws of such a size might weaken the suspended flooring, smaller screws might be more appropriate. Such fixings must of course be made into joists and not simply to the floor boarding.

19.45 Another consideration should be the size and weight of the larger form of gun cabinet or commercial safe. Due to their very 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

19.46 While carrying firearms in a vehicle, the following steps are considered to accord with the duty to ensure the safe custody of the firearms and/or ammunition.

19.47 Any guns should be hidden, preferably in the locked boot or other secured load carrying area of the vehicle where practicable. Vehicles used frequently for transporting firearms should ideally have an immobiliser and/or alarm fitted, if the firearms are to be left unattended.

19.48 If the vehicle is left unattended for any reason, firearms should be concealed, preferably in the locked luggage compartment and (where practicable), an essential component such as the bolt or fore-end removed and kept in possession of the responsible person. 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. If possible, the vehicle should be parked within the sight of the responsible person.

19.49 In the case of an estate, hatchback or 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 guns are so covered or concealed to prevent their identification;

- b) Whenever possible the guns 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 – if practicable;
- c) Wherever possible, the bolt, magazine or other vital operating part should be separated from the gun and either carried on the person or secured or hidden in the vehicle, or kept in a locked container, ideally secured to the vehicle if practicable;
- 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.

19.50 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, as far as reasonably practicable, secure. Consideration when firearms are being taken to venues involving overnight or longer accommodation might include:

- a) Obtaining accommodation which provides secure facilities (many country hotels offer this service);
- 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 and rationale for charging fees for the various certificates issued under the Firearms Acts. It does not provide details of the actual amounts payable. It also lists the various exemptions that apply.

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 are set at a level intended to cover the costs of administering the certification and registration procedures and these are reviewed regularly.

Exemption from fees for firearm certificates

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 ammunition alone; or
- c) when a firearm certificate is renewed at the same time.

However, 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 takes place at the same time, that is one firearm is exchanged for another at the same time. If the first firearm is removed from the certificate, the addition of a new firearm subsequently will be an increase in the number of firearms to which the certificate relates and the variation to add that new firearm would thus attract a fee. However, if

a certificate holder who has disposed of a firearm makes application for a variation within seven days from disposing of the firearm this will not normally attract a fee.

20.4 No fee is payable in respect of a firearm certificate granted to the responsible officer of any rifle or muzzle-loading pistol club, miniature rifle club or school 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 or school. Nor is any fee payable in respect of the variation or renewal of such a certificate (section 32(2) of the 1968 Act). There is however, a fee 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(1) of the 1968 Act) (See Chapter 18).

20.5 Section 32(3) of the 1968 Act 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 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 therefor 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

handgun possessed for the humane destruction of animals.

20.6 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. As regards (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.

20.7 Section 32(3A) of the 1968 Act, as it continues to have effect by virtue of 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.

20.8 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.

20.9 Section 54(2)(b) of the 1968 Act provides for the issue of a free firearm certificate or, as the case may be, shot gun 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.

20.10 The Diplomatic Privileges Act 1964 exempts diplomats and members of some international bodies from payment of the certificate fee (see paragraph 10.29).

Shot Gun Certificate

20.11 No charge should be made for shot gun certificates issued to diplomats and

members of the international organisations (see paragraph 10.29). There are no other exemptions from the requirement to pay the fee for a shot gun certificate but a reduced fee is payable when the certificate is issued in conjunction with a new or current firearm certificate.

Dealer's Registration

20.12 The 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.

Fees for the examination of imitation firearms

20.13 Manufacturers and importers who submit model and replica firearms to the Forensic Science Service (FSS) for advice on whether they conform to the guidelines under the 1982 Act must pay the appropriate fee to the FSS. This fee is reviewed regularly.

Chapter 21

NOTICES AND APPEALS

21.1 This Chapter provides information about these two distinct areas. On notices, it lists the circumstances that require chief officers of police and the Secretary of State or Scottish Ministers to provide notice, as well as the way that this notice should be sent. On appeals, this Chapter sets out the various legal authorities allowing appeals by certificate holders or registered firearms dealers against police decisions, as well as an introduction to some of the requirements of the process and issues for police consideration.

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 requiring them to surrender their certificate, firearm and ammunition when it has been revoked by the chief officer of police (section 30(A)) of the 1968 Act or cancelled by a court (section 52(2)(b) of the 1968 Act).
- b) to the holder of a shot gun certificate:
 - when requiring them to surrender their certificate/shot gun when it has been revoked by the chief officer of police (section 30(C) 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 (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);
 - requiring them to surrender the licence when it has been revoked (paragraph 2(4) of the Schedule to the 1988 Act).

21.4 Under section 56 of the 1968 Act, notices required or authorised by the Act may be sent by recorded or special delivery in a letter addressed to the person's last or usual place of abode, or to any registered place of business if a firearms dealer. Notices may also, 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.

Chapter 21

NOTICES AND APPEALS

Appeals

21.5 Sections 28A, 29, 30A, 30B, 30C, 34, 36, 37 and 38 of the 1968 Act (as amended) and sections 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 no statutory right of appeal against certificate conditions (*Buckland v Cambridgeshire Constabulary*) although unreasonable additions may be challenged by way of Judicial Review.

21.6 Under Schedule 5 of the 1968 Act an appellant must give notice of their appeal to the administrator of the Crown Court 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 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 and the chief officer not less than two clear days before the hearing. The Schedule also contains provisions relating to costs of appeals (*Goodman & Newton v Derbyshire Police 1998*).

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)*; 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*).

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 Executive or the ACPO/ACPOS has no legal standing and is thus open to challenge. However, such guidance will often reflect the existing case law and previous decisions by the Courts, and forces may wish to consider what precedents may have been established in similar cases.

Chapter 22

CRIMINAL USE OF FIREARMS

22.1 This Chapter outlines the various criminal offences contained in the 1968 Act, and includes a reference to a criminal firearms offence under the terms of the Highways Act 1980.

Shortening shot guns and converting imitation firearms (section 4 of the 1968 Act)

22.2 It is an offence under section 4 of the 1968 Act to:

- a) shorten the barrel of a shot gun to a length less than 24 inches; or,
- b) convert an imitation firearm into a firearm.

22.3 A person who commits an offence under section 1 by possessing, purchasing or acquiring a shot gun with a barrel shortened to less than 24 inches or a converted imitation firearm without holding an appropriate firearm certificate is liable to the more severe penalty prescribed by section 4(4) of the 1968 Act (see Schedule 6, Part 1).

22.4 It is an offence under section 6 of the 1988 Act to shorten the barrel of any smooth-bore gun to which section 1 of the 1968 Act applies (unless it has a barrel with a bore exceeding 2 inches) to a length less than 24 inches in length.

22.5 It is not an offence for a registered firearms dealer to shorten the barrel of a shot gun or other smooth-bore gun 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, or to convert an imitation firearm into a firearm.

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

22.6 Section 16 of the 1968 Act makes it an offence to possess a firearm or ammunition with intent to endanger life (and/or cause serious injury to property in Scotland). The maximum penalty for this is life imprisonment. 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 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.

Criminal use of firearms and imitation firearms (section 17 of the 1968 Act)

22.7 Section 17 of the 1968 Act makes it an offence for a person to use a firearm or imitation firearm to resist or prevent their arrest, or that of some other person, and to possess either 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 and Schedule 1 of the 1968 Act amended by the Theft Act 1968, and that 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. For the purpose 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 the Theft Act

includes an air gun or air pistol. The 1982 Act extends the provisions of section 1 of the 1968 Act to certain imitation firearms (see paragraphs 2.17 and 2.18).

Carrying firearms with criminal intent (section 18 of the 1968 Act)

22.8 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. “Indictable offence” means by virtue of section 57(4) of the 1968 Act, read with section 64 of the Criminal Law Act 1977 and Schedule 13 thereto, an offence which if committed by an adult is triable on indictment, whether it is exclusively so triable or triable either way. In Scotland, “indictable offence” means any offence specified in paragraphs 1-18 of Schedule 2 to the 1968 Act.

22.9 In order to prove an offence under section 18(1) of the 1968 Act, it is necessary to show:

- a) that the accused had a firearm or imitation firearm with them; and
- b) that they intended to commit an indictable offence or to resist arrest or prevent the arrest of another, as the case may be.

22.10 Section 18(2) of the 1968 Act provides, however, 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.

22.11 Section 18 of the 1968 Act covers all types of firearms, including shot guns, 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)

22.12 Section 19 of the 1968 Act makes it an offence to have in a public place without

lawful authority or reasonable excuse (the proof whereof lies on the accused) a loaded air weapon or a loaded shot gun, or any other firearm, whether loaded or not, together with ammunition suitable for use in that firearm. Care should be taken to ensure that those who may have lawful authority or reasonable excuse to carry firearms in a public place are not unnecessarily inconvenienced.

22.13 Section 57(6) of the 1968 Act includes a definition of “loaded” in relation to shot guns and air weapons. An air weapon is to be treated as loaded if there is a pellet in the breach, even if the compression necessary to fire the gun is not present; and in the case of a shot gun or air weapon having a loaded magazine, the gun is to be treated as loaded, even though there is no round in the breach.

22.14 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)”. Relevant case law here is *Anderson v Miller and Another*, *QBD 1997*.

22.15 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)**

22.16 Section 20 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, or enter or be on any land, including land covered with water, as a trespasser and without reasonable excuse (the proof whereof lies with them). In each case, the trespass consists of entering or being in or on the building or land as a trespasser. 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.

Highways Act 1980

22.17 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 which comprises a carriageway, 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. 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;
- 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 1968 Act provides that if a justice of the peace or a magistrate, or in Scotland a sheriff, 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 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 persons found therein;
- b) to seize and detain anything found there, 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 held on computer, 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 to have a shot gun or air weapon in a public place only if it is loaded. 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

Chapter 23

LAW ENFORCEMENT

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 23.9 below.

23.7 The powers to detain, search, enter and seize in section 47 of the 1968 Act are similarly intended to enable a police officer to ascertain whether an offence has been committed and to take immediate and effective action. 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

23.8 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 shot gun, the production of their firearm certificate, or, as the case may be, their shot gun certificate. Section 48(2) of the 1968 Act provides a power to seize weapons and ammunition in cases of non-compliance.

Arrest

23.9 Section 50 of the 1968 Act has been repealed, in respect of England and Wales, and section 25 of the Police and Criminal Evidence Act 1984 now applies (although not in Scotland). This section provides that where a constable has reasonable grounds for suspecting that any offence which is an arrestable offence has been committed or attempted, or is being committed or attempted, they may arrest the relevant person if it appears to them that service of a summons is impracticable or inappropriate because any of the general arrest conditions set out in that section is satisfied. "Arrestable offence" is defined in section 24 of the 1984 Act.

23.10 Section 50 of the 1968 Act, however, still applies in 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 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

23.11 Section 51(4) of the 1968 Act provides that, notwithstanding section 127 of the Magistrates Courts Act 1980 or section 136 in the Criminal Procedure (Scotland) Act 1995, 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.

23.12 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

23.13 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 shot gun 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 therefrom. 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

23.14 In April 1998 the Home Office produced a new set of rules for recording crime. They included a number of firearms offences for the first time. Full details can be found in the operational version of the Home Office instruction booklet.

23.15 There are three principal areas affecting firearms licensing:-

- a) Possessing etc. firearms or ammunition without a certificate;
- b) Possessing etc. shot gun without a certificate; and
- c) Failure to give notice in writing to the chief officer of police of transfers involving firearms.

23.16 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, shot guns, 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. Similarly, military arms manufactured for HM Forces are not, whilst still owned by the Crown, subject to proof. 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 proof, such as cannon barrels.

24.2 There are two proof houses:

Birmingham Proof House Banbury Road Birmingham B5 5RH	London Proof House 48 Commercial Road London E1 1LP
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24.3 The proving of firearms is governed by the Gun Barrel Proof Acts of 1868, 1950 and 1978. 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;

- 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 after their arrival to the Proof Masters of the Birmingham and London Proof Houses;
- c) an offence to omit 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. 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. 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" includes the breech and action 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 shot guns 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.

PROOF OF FIREARMS

24.6 Schedule 1 of the Gun Barrel Proof Act 1978 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 Schedule 1 of the 1978 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 chief officers of police 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 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. Persons anxious to *dispose* of firearms and ammunition should be allowed to hand them in at a police station, although disposal through a dealer might also be considered. Disposal might suggest unwanted/unusable firearms held on certificate.

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 not loaded. At no time should the gun be pointed in a direction where it might cause death, injury or damage if it were to discharge. If in any doubt, the advice of colleagues experienced in the handling of firearms should be sought. Whatever the individual circumstances, a receipt should be given and the occurrence recorded as "surrender of firearms and/or ammunition". Subject to paragraph 25.5 below, a disclaimer should be signed if at all possible to facilitate lawful disposal. 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, adequate records must be kept with regard to their safe-keeping.

25.4 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.

25.5 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 hand in illegally held firearms.

25.6 Where it appears, for example, that a person who has inherited a firearm or shot gun wishes to retain it lawfully as a certificate holder or to arrange for its sale, it would be appropriate to consider whether the person concerned should be granted a firearm or shot gun certificate or issued with a permit under section 7 of the 1968 Act in order to regularise their position. In any instance, however, when it is believed that a serious offence involving a surrendered gun has been committed, normal police procedures should be followed and such enquiries as are necessary should be carried out in the usual way. Any decision to prosecute will be a

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matter for the discretion of the chief officer of police and the Crown Prosecution Service or Procurators Fiscal.

Antiques

25.7 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. It will be open to that person to consider retaining the antique firearm or obtaining an estimate of its value and disposing of it through the trade or possibly to a museum or reputable collection. If any antique firearm is retained, the chief officer of police should consider offering it to a museum.

Firearms of particular interest

25.8 Similarly, if a firearm is handed in by a firearm or shot gun certificate holder, which appears to be 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. 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).

25.9 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.

25.10 Many museums, the Ministry of Defence and the Forensic Science Service 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.

25.11 All other firearms and ammunition not retained for police purposes should be recorded and destroyed.

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 and use of firearms is subject to separate legislation. 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 shot guns, air weapons and de-activated guns are subject to firearm certificate control and it is illegal for any person under the age of sixteen to be in possession of a firearm. It should be noted that small firearms are not prohibited in Northern Ireland.

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 shot gun is exempt from the provision in section 2(1) of the 1968 Act

which makes it an offence to possess, purchase or acquire a shot gun without a certificate.

26.5 The period of validity of a firearm certificate issued in Northern Ireland is three years as opposed to the five years 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 definition of “registered” in section 57(4) of the 1968 Act in relation to a firearms dealer also covers a firearms dealer registered in Northern Ireland. The provisions as to registered firearms dealers in sections 3(1) to (5), 4(2) to (4), 8(1) and (2), 42 and 45 of the 1968 Act and sections 4, 6, 7(3), 13 and 18(2) to (5) of the 1988 Act apply to persons registered as firearms dealers in Northern Ireland, and section 34(1) of the 1968 Act prohibits the registration in Great Britain of a person who has been prohibited from being registered by order of a court in 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 and section 35 of the 1997 Act with regard to sales etc. of firearms and ammunition, apply

not only 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, section 32 specifically requires that transfers take place in person, are Great Britain limited.

Taking firearms from Great Britain to Northern Ireland

26.8 The holder of either a firearm or shot gun 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 they may require. They must also obtain from the Chief Constable of the Police Service of Northern Ireland a Certificate of Approval.

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 Licensing 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.

Removing firearms from Great Britain to Northern Ireland

26.11 The procedures set out in the Firearms (Removal to Northern Ireland) Order 1990 and outlined in Appendices 9 and 10 are intended to ensure that firearms and ammunition to which section 1 of the 1968 Act applies cannot be removed from Great Britain to Northern Ireland without authorisation from the chief officer of police for the area from which they are to be removed. In addition, such removal is prohibited unless authorisation is obtained from the Chief Constable of the Police Service of Northern Ireland. The removal must also comply with any conditions as may be imposed by the chief officer in question or by the Chief Constable of the Police Service in Northern Ireland.

26.12 The procedures do not apply to the removal of a shot gun, or ammunition for a shot gun, for a person's own use for sporting purposes, nor do they prohibit the holder of a firearm certificate from carrying with them any firearm or ammunition authorised to be so carried.

26.13 Applications are most likely to be made by firearms dealers but may also be made by individual certificate holders (who, for example, wish to transfer firearms and ammunition to certificate holders or dealers in Northern Ireland). Applications may also be received from carriers or warehousemen acting on behalf of a person in Northern Ireland who has ordered from abroad a firearm or ammunition that has entered the United Kingdom at a port in Great Britain.

Chapter 27

VISITORS' PERMIT PROCEDURES

27.1 This Chapter sets out the legislative authority for the issue of visitors' permits, and then provides guidance to chief officers of police on the requirements that need to be met for an application to be successful. It also looks in some detail at the conditions that can be added to permits, their variation and the controls on visitor shot gun permit holders buying shot guns.

Legislative provisions

27.2 Under section 17 of the 1988 Act, visitors to Great Britain may, if they are granted the appropriate permit, have in their possession firearms, shot guns 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 shot gun permit which allows them to have in their possession, purchase or acquire shot guns (subject to the restrictions on purchase and acquisition of shot guns with a magazine (see 27.20-27.25 below)). By virtue of section 5(2)(b) of the 1988 Act, they are exempt from the requirement to produce a shot gun certificate when purchasing ammunition.

27.3 A visitors' shot gun 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 shot gun permit (see Chapter 29 for more information about these passes). However, an EFP need not be produced if (see also paragraph 29.20):

- 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 shot gun 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 paragraph 29.20) by the visitor's EFP (section 7(1) of the 1992 Regulations requires the original to be sent to allow the document to be endorsed). In such cases, chief officers should aim to ensure that the application is dealt with as quickly as possible so allowing the original EFP to be returned to the applicant as soon as possible. The sponsor may be a private individual, or may make the application as the

VISITORS' PERMIT PROCEDURES

representative of, for example, a club, shooting syndicate, country estate or national shooting organisation. 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 shot gun certificate holders, this need not necessarily be the case. Particular attention will need to be paid to security arrangements.

27.6 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 27.8 and 27.9, 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

27.7 The criteria for the grant of a visitors' permit are set out in sections 17(2) and (3) of the 1988 Act.

27.8 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 might be relevant to (a).

27.9 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 shot gun permit, that the applicant has a good reason for having each shot gun 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 shot gun with a magazine, that they satisfy the criteria listed at 27.20-27.25 below).

27.10 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 weapon. 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 original EFP must be submitted if the visitor is resident in another EU state. 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.

27.11 Applicants who wish to purchase a shot gun 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 shot gun should be made on the original application for a permit, using the space provided on the form. Applicants who wish to purchase a shot gun 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

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of being exported without first coming into that person's possession. If a person wishes to purchase a shot gun and take it with them from Great Britain they will need to obtain a visitor's shot gun permit.

Permit conditions

27.12 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 shot gun may be used.

27.13 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 11. 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 twelve 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 11 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 shot gun or shot guns 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 shot gun in the appropriate part of the permit.

27.14 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' shot gun permit must specify the number and description of the shot guns to which it relates, including, if known, their identification numbers.

Variation of conditions

27.15 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 27.8 and 27.9 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

27.16 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, either because of a last-minute invitation to shoot, because of illness or a change in family or business circumstances or as a late addition or change to a group application. In such cases, every effort should be made to process the application in time. 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

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breakage) which visitors are authorised to bring with them (see also paragraph 27.15).

Notification of refusal

27.17 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

27.18 The completed permit should be sent to the sponsor who will forward it to the visitor in their country of origin for presentation to HM Customs and Excise on arrival in this country. The visitors' permit will be accepted in lieu of a Department of Trade and Industry import licence. A visitor must carry their permit with them on leaving the country for presentation to HM Customs and Excise 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 HM Customs and Excise 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 HM Customs 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

27.19 Members of the Diplomatic Corps in London are not visitors and the normal considerations for the grant of a firearm or shot gun certificate apply (see also paragraph 10.29). 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 shot guns in Great Britain

27.20 Section 17(1A) of the 1988 Act contains restrictions on the purchase and acquisition of certain shot guns by the holder of a visitor's shot gun permit. The restrictions only apply to transactions involving shot guns with a magazine. Single-shot shot guns are not subject to these restrictions. A single-shot shot gun means any shot gun which can fire only one shot from each barrel without reloading. Single-barrelled single-shot shot guns, double-barrelled shot guns and multi-barrelled shot guns which have no magazine fall within this definition. A shot gun with a magazine means a shot gun 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).

27.21 The purpose of this provision is to ensure that no visitor can purchase or acquire a shot gun with a magazine in Great Britain to take to another EU state without holding a DTI licence 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.

27.22 A visitors' shot gun permit shall not authorise the purchase or acquisition of a shot gun with a magazine unless one of four requirements are met, namely that:-

- a) the permit holder has a licence issued by the DTI 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.

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27.23 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 1968 Act and the vendors or transferors an offence under section 3(2) of the 1968 Act.

27.24 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' shot gun 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 shot gun (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 the DTI authorising the removal of the shot gun from Great Britain.

27.25 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.

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IMPORT AND EXPORT OF FIREARMS

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 of Trade and Industry (DTI) are responsible for these arrangements and enquiries should be passed to whichever of the two contacts below is most relevant:

Imports
Import Licensing Branch DTI
Queensway House, West Precinct
Billingham
TS23 2NF
Tel: 01642 364351
Fax: 01642 364269
E-mail: enquiries.ilb@dti.gsi.gov.uk

Exports
Export Control Organisation
DTI
4 Abbey Orchard Street
London SW1P 2HT
Tel: 020 7215 8070
Fax: 020 7215 0558
Email: eco.help@dti.gsi.gov.uk

Transfers to and from other European Union (EU) nations

28.3 The Weapons Directive 91/477/EEC introduced harmonised community arrangements for licensing firearms movements between EU Member States. Similar provisions for ammunition were introduced by the Explosives Directive

(93/15/EEC). To move firearms and ammunition from one EU Member State to another, a licence (a transfer licence) must be obtained from the EU Member State in which the firearms or ammunition are situated. EU Member States can insist that certain types of firearms are not transferred to their territory without their prior agreement.

28.4 These arrangements apply to all transfers of firearms covered by the above mentioned Directive including commercial consignments, 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 Third country (non-EU) import and export licensing arrangements apply to commercial transactions in weapons of war, and to 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, CS gas canisters.

28.6 Detailed arrangements for import and export of firearms and ammunition are as follows:

Imports from other EU nations

28.7 An import licence issued by the Department of Trade and Industry is not required for firearms, shot guns, component parts and ammunition falling to section 1 and section 2 of the 1968 Act entering the UK

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from other EU States either on a commercial or private basis. Instead transfers of section 1 firearms and shot guns from another EU State to the UK are lawful only if all the following requirements are met:

- i) a licence authorising the transfer of the firearms to the UK has been issued to the transferor by the EU state from which the firearms are transferred; and
- ii) the licence (or a document referring to it) accompanies the firearms at all times until they reach their destination in the UK and can be produced on demand to a constable or an officer of HM Customs and Excise; and
- iii) the UK transferee of the firearms is authorised under the 1968 Act to possess the firearms in question, that is a registered firearms dealer, or firearm or shot gun certificate holder (unless exempt from the need to hold a certificate).

28.8 The licence referred to in (i) above may be either a specific licence issued by the EU State from which the firearms are transferred or an open licence granted by that State to a firearms dealer. An open licence is acceptable only if the UK transferee of the firearms is a registered firearms dealer. In the case of a transfer by a registered firearms dealer under an open licence, the document which must accompany the consignment to another EU State (that is the document corresponding to that referred to in (ii) above) should be a declaration by the dealer giving details of their open licence, the transferee, and the firearms in the consignment.

28.9 The UK has advised other EU States that the UK's prior consent is required before a licence can be issued authorising the transfer of any weapons or ammunition prohibited under section 5 of the 1968 Act, and covered by Categories A to C of the Directive, to UK territory. UK prior consent is given in the form of an import licence issued by DTI. The DTI prior consent must be obtained by the prospective UK transferee of the consignment and will specify the type and number of prohibited weapons or ammunition that may be transferred to the UK under it. Applications should be made to

the DTI in accordance with the instructions in this Chapter.

28.10 Prohibited weapons can therefore only lawfully enter the UK from EU States if;

- i) the three requirements detailed above are complied with; and
- ii) an appropriate prior consent import licence has been granted by the DTI to the UK transferee. Small firearms (handguns) became prohibited weapons as a result of the 1997 Acts. Prior consent is not, however, required for handguns imported directly into Northern Ireland and the Isle of Man. However, 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.

28.11 The above licensing requirements apply where an individual brings in a firearm privately from an EU State, for example by mail order or as part of their personal possessions, if the firearm has been newly purchased or acquired elsewhere in the EU.

Exports to other EU nations

28.12 Export licences (open or specific) are issued by the DTI. 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.

28.13 Any visitor who, by virtue of holding a visitors' shot gun permit, purchases a shot gun 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 of Goods (Control) Order (EG(C)O do not apply). Where the shot gun has a magazine, the licence must be obtained before the purchase is made.

28.14 Particularly valuable firearms over 50 years old will often require an individual export licence to travel to any destination (both EU and non-EU nations). The criteria are set out below. Less valuable firearms over 50 years old can be moved under the terms of an open licence. Firearms that always require an individual export licence are those:

- a) between 50 and 100 years old that are valued at £39,600 or more;
- b) over 100 years old that are valued at £20,000 or more.

28.15 Applications for individual export licences for these older firearms are considered by the Department of Culture, Media and Sport (see Appendix 1). 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 not been imported into the UK in the last 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. 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)

28.16 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.

28.17 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.

28.18 Any notifications received about commercial movements of firearms to, or through, the UK will be passed by the Home Office to HM Customs & Excise. Those relating to the transfer of firearms/ammunition to a private individual in the UK will be passed to both HM Customs and Excise and to the police force in which that individual resides.

Transfers to or from the United Kingdom and a non-European Union (EU) nation

28.19 Detailed arrangements for the import and export of firearms and ammunition are as follows:

Imports from non-EU nations

28.20 The following items are subject to DTI 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) 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;
- iii) 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.

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28.21 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.

28.22 Normally, no import licence is 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 more than one hundred years old;
- vi) any item not classified to Chapter 93 of the HM Customs and Excise Integrated Tariff including vehicles, ships and aircraft incorporating a firearm;
- vii) any component of ammunition.

28.23 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 in paragraph 2.25 of Chapter 2 are relevant in determining whether a firearm should be regarded as “antique” for the purpose of the firearms legislation.

28.24 Commercial importations of firearms, component parts and ammunition require an individual import licence. Applications for import licences should be made on completed form ILB/W and submitted to Import Licensing Branch at the address shown in paragraph 28.2. With the exception of firearms, component parts and ammunition falling to section 5 of the 1968 Act, applications should be accompanied by a copy of the domestic authority to possess the items in the UK (for example a firearm certificate or certificate of registration).

28.25 As a concession for non-commercial importations of firearms, shot guns and ammunition requiring import licences the following documents are accepted by HM Customs and Excise in lieu of import licences:

- i) valid United Kingdom firearm or shot gun certificates;
- ii) visitors’ firearm or shot gun permits.

28.26 The firearms, shot guns or ammunition must be freely declared to HM Customs and Excise upon importation.

28.27 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). These can be obtained from the HSE, Safety Policy Division D5, Rose Court, Southwark Bridge Street, London SE1 9HF. There is some overlap between ammunition controlled by the DTI and the HSE, and where this is the case both sets of documents are required.

Exports to non-EU nations

28.29 Firearms, shot guns, component parts for firearms or shot guns, and ammunition are subject to export control and in general require a licence for export to any destination.

28.30 Export licences are not usually required in the following circumstances:

- holders of valid firearm or shot gun certificates or visitors’ firearm or shot gun permits may take abroad with them, or have sent, as part of their personal effects, without an export licence, any firearms, shot guns 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 Customs and Excise at the place of exportation. The exception also includes telescopic sights.

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28.31 From time to time this exemption will not apply to firearms consigned to certain destinations. Further details may be obtained from the DTI prior to export.

28.32 Applications for export licences must be made to the DTI on the appropriate form and must be accompanied by the applicant's firearm or shot gun 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) and then focuses in more detail on three main areas:

- 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.

29.2 A list of current EU membership is at Appendix 12. 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

29.3 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 1992 Regulations in Great Britain) but some other Member States took longer to do so.

29.4 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 13;

- 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 GB residents

29.5 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 GB residents and only firearm and shot gun certificate holders are entitled to an EFP. Chief officers cannot refuse to issue an EFP to the holder of a valid firearm and/or shot gun certificate in respect of the possessed firearms or shot guns 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 shot guns which the applicant applies to have included in it,

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but can only include those firearms and/or shot guns which the applicant is authorised to possess under domestic law by virtue of a valid firearm or shot gun certificate.

29.6 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.

29.7 For each firearm included, the EFP must specify which category of the Directive the firearm falls under (see Appendix 13). 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. Details of the requirements of other EU states were circulated following the introduction of the Directive. Any changes to these requirements notified to the Home Office will be circulated to forces.

29.8 Application for an EFP may be made at any time, including at the time of application for the renewal of a firearm and/or shot gun certificate. Where an individual already holds a shot gun 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.

29.9 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 shot gun 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.

29.10 No investigation should be made into an application for an EFP other than to check that the applicant holds a valid firearm and/or shot gun 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.

29.11 The EFP should be valid until the date on which the supporting firearm or shot gun certificate expires. If the EFP includes firearms entered on both a firearm certificate and a shot gun certificate, the EFP should expire at the same time as whichever certificate expires first. Records of all EFPs issued should be kept in the normal way for a minimum of five years.

Renewals and variations of EFPs

29.12 An EFP can be renewed at the same time as a firearm or shot gun certificate is renewed. If the EFP holder has both a firearm and a shot gun certificate which are not co-terminous, 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 shot gun 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.

29.13 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.

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29.14 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 shot gun certificate holder has disposed of a shot gun 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 shot gun to be deleted from it. It is an offence for the EFP holder not to comply with such notice.

29.15 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.

29.16 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

29.17 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

29.18 Where a firearm or shot gun 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

29.19 All EU visitors to the UK require a visitors' permit. A visitors' permit cannot be granted unless there is first produced a valid EFP 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.

29.20 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.

29.21 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 is produced and that it covers the firearms in respect of which the permit is being applied for.

29.22 Once it has been decided to grant a visitors' permit, an entry should be made on the EFP giving the visitor's permit number and its period of validity and indicating that it

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authorises the possession of specified firearms in Great Britain.

29.23 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 the EFP to the visitor's sponsor or representative as quickly as possible.

29.24 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. 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 shot gun 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.

29.25 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

GB residents – purchase of category B firearms in other EU states (Article 7 authorities)

29.26 Any EU resident who wants to buy or acquire a category B firearm (see Appendix 13) in another EU state must, unless they are exempt under the Directive, be able to show that they have the agreement to the purchase or acquisition of the authorities of their state of residence. GB residents 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".

29.27 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.

29.28 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.

29.29 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 that the firearm(s) or ammunition will not be brought into the UK. 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.

29.30 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.

29.31 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

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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”.

29.32 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.

29.33 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.

29.34 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.

29.35 The UK will be notified where a GB resident 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 GB resident in question has been granted an Article 7 authority, and that the purchase or acquisition has been in accordance with its terms.

GB residents – purchase of category C firearms in other EU states

29.36 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. 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 shot gun 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 museums firearms licence.

29.37 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 individual is authorised to purchase/acquire/possess the firearm concerned.

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EU residents – purchase of firearms for export

29.38 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 their state of residence to the purchase, corresponding to an Article 7 authority. Such evidence is not necessary if the purchaser can show that they are a recognised collector who is purchasing the firearm exclusively in connection with the recognised activities, or that they are resident in the UK or outside the EU states, or are otherwise precluded from being issued with such an authorisation.

29.39 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, 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 shot gun.

29.40 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.

29.41 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)

29.42 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 Action Against Crime and Disorder Unit (AACDU) 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.

Exchange of information on the purchase and possession of firearms by individuals

29.43 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.

29.44 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.

29.45 It is of vital importance that notifications which forces receive about purchases of firearms by EU residents are dealt with 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 by fax to AACDU, Firearms Section, 020 7273 4028.

29.46 All notifications must be made on the agreed EU stock forms which incorporate the EC Weapons Directive logo. WIES 1 is to be used both by police forces to notify other EU states (through AACDU) of purchases of certain firearms by EU residents in the UK and by other EU states to notify police forces (through AACDU) of purchases of certain firearms by UK residents in those states. WIES 2 and WIES 3 are to be used only by other EU states to notify UK police forces (through AACDU) of the possession of firearms in those states by UK residents and the transfer of firearms to UK residents respectively.

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Information which police forces must pass to the Home Office

- a) 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 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' shot gun permit or, in the case of purchase, if they purchase it for export under section 18 of the 1988 Act).
- b) The only category C weapon which can be purchased or acquired by virtue of holding a visitors' shot gun permit is a shot gun with a non-detachable magazine incapable of holding more than 2 shots. All such notifications received by the police should be reported to the Home Office 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

- c) The Home Office 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 shot gun 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).
- d) 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 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

29.47 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

- a) The Home Office 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 to HM Customs and Excise who are responsible for enforcement of the licensing controls on movements of firearms between the UK and other EU states.
- b) 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 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.

Appendix 1 CONTACT DETAILS

Association of Chief Police Officers
25 Victoria Street
London
SW1H 0EX
Tel: 020 7227 3434
Fax: 020 7227 3400

Association of Chief Police Officers
Scotland
Police Headquarters
Fettes Avenue
Edinburgh
EH4 1RB
Tel: 0131 311 3051
Fax: 0131 311 3052

Association of Deer Management Groups
Dalhousie Estates Office
Brechin
Angus
DD9 6SG
Tel: 01356 624566
Fax: 01356 623725
Email: Dalhousieestates@btinternet.com

Association of Professional Clay Target
Shooting Grounds
Harings Farm
Risely
Bedford
MK44 1DA
Tel: 01234 708893
Fax: 01234 708886

Association of Scottish Police
Superintendents
173 Pitt Street
Glasgow
G2 4JS
Tel: 0141 221 5796
Fax: 0141 532 2489

Birmingham Proof House
Banbury Street
Birmingham
B5 5RH
Tel: 0121 643 3860
Fax: 0121 643 7872
Web: www.gunproof.com
Email: info@gunproof.com

British Association for Shooting and
Conservation (BASC)
Marford Mill
Rossett
Wrexham
Clwyd
LL12 0HL
Tel: 01244 573 010
Fax: 01244 573 001
Web: www.basc.org.uk
Email: gun_enq@BASC.org.uk

British Association for Shooting
and Conservation (Wales)
The Station House
Caersws
Powys
SY17 5HH
Tel: 01686 688 861
Fax: 01686 688 854
Web: www.basc.org.uk

British Association for Shooting
and Conservation (Scotland)
Trochy
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Email: scotland@basc.demon.co.uk

Appendix 1
CONTACT DETAILS

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Fordingbridge
Hampshire
SO6 1EF
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British Medical Association
BMA House
Tavistock Square
London
WC1H 9JP
Tel: 020 7387 4499
Web: www.bma.org.uk

British Pest Control Association
1 Gleneagles House
Vernon Gate
South Street
Derby
DE1 1UP
Tel: 01332 294288
Fax: 01322 295904
Email: enquiry@bpca.org.uk

British Shooting Sports Council
PO Box 11
Bexhill-on-Sea
TN40 1ZZ
Tel: 01424 217031
Fax: 01424 217031
www.bssc.org.uk

British Transport Police
PO Box 260
15 Tavistock Place
London
WC1H 9SJ
Tel: 020 7388 7541
www.btp.police.uk

British Veterinary Association
7 Mansfield Road
London
W1G 9NQ
Tel: 020 7636 6541
Fax: 020 7436 2970
E-mail: bvahq@bva.co.uk

British Western Shooting Association
New Farm
Ingoldmells Road
Burgh le Marsh
Skegness
Lincolnshire
PE24 5HF
Tel: 01754 810 424
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Clay Pigeon Shooting Association
PO Box 750
Bisley Camp
Brookwood
Surrey
GU24 0YU
Tel: 01483 485 400
Fax: 01483 485 410
Web: www.cpsagb.co.uk
Email: info@cpsa.co.uk

Country Land and Business Association
16 Belgrave Square
London
SW1X 8PQ
Tel: 020 7235 0511
Fax: 020 7235 4696
Web: www.cla.org.uk
Email: mail@cla.org.uk

Countryside Alliance
367 Kennington Road
London
SE11 4PT
Tel: 020 7840 9200
Fax: 020 7793 8484
Web: www.countryside-alliance.org
Email: info@countryside-alliance.org

Crown Office
25 Chambers Street
Edinburgh
EH1 1LA
Tel: 0131 226 2626
Fax: 0131 247 2650

Crown Prosecution Service
50 Ludgate Hill
London
EC4M 7EX
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Appendix 1
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E-mail: deercom@aol.com

Department for Culture, Media and Sport
2-4 Cockspur Street
London
SW1Y 5DH
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Fax: 020 7211 6170
Web: www.culture.gov.uk
Email: enquiries@culture.gov.uk

Department for Environment, Food
and Rural Affairs
Animal Welfare Division
Area 606
1A Page Street
London
SW1P 4PQ
Tel: 020 7904 6858 or 6910

Department for Environment, Food
and Rural Affairs
European Wildlife Division
Room 1/08
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6EB
Tel: 0117 372 8903
Fax: 0117 372 8182
E-mail: species@defra.gsi.gov.uk

Department for Environment, Food
and Rural Affairs
Land Use Division
Nobel House
17 Smith Square
London
SW1P 3JR
Tel: 020 7238 6000

Department of Trade and Industry
Export Control Organisation
4 Abbey Orchard Street
London
SW1P 2HT
Tel: 020 7215 8070
Fax: 020 7215 0558
Email: eco.help@dti.gsi.gov.uk

Department of Trade and Industry
Import Licensing Branch
Queensway House
West Precinct
Billingham
Cleveland
TS23 2NF
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Fax: 01642 364269
E-mail: enquiries.ilb@dti.gov.uk

English Civil War Society
382 Woodend Road
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www.english-civil-war-society.org

English Heritage
Director of Special Events
23 Savile Row
London
W1X 1AB
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Fax: 020 793 3001

English Nature
Northminster House
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Fax: 01733 568834
Web: www.english-nature.org.uk
Email: enquiries@english-nature.org.uk

European Cartridge Research Association
15 Allington Road
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Fax: 020 8202 0652

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CONTACT DETAILS

Firearms Consultative Committee
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Foreign and Commonwealth Office
Protocol Division
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London
SW1A 2PA
Tel: 020 7008 1021
Fax: 020 7008 1026

Forensic Science Service
Metropolitan Laboratory
109 Lambeth Road
London
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Fax: 020 7230 6296

Forestry Commission
231 Corstorphine Road
Edinburgh
EH12 7AT
Tel: 0131 334 0303
Fax: 0131 334 3047
Web: www.forestry.gov.uk
Email: enquiries@forestry.gsi.gov.uk

Great Britain Target Shooting Federation
1, The Cedars
Great Wakering
Southend-on-Sea
Essex, SS3 0AG
Tel: 01702 219 395
E-mail: KM@GBTSF.freerve.co.uk

Gun Control Network
PO Box 11495
London
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Web: www.gun-control-network.org/uk
Email: contact@gun-control-network.org

The Gun Trade Association Ltd
PO Box 43
Tewkesbury, Gloucestershire
GL20 5ZE
Tel: 01684 291868
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Health and Safety Executive
Explosives Inspectorate
Merton House
Stanley Road
Bootle
Merseyside
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Tel: 0151 951 4025
Fax: 0151 951 3891

Health and Safety Executive
Safety Policy Division C1
Rose Court
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London
SE1 9HS

Historical Breechloading Smallarms
Association (HBSA)
PO Box 12778
London
SE1 6XG
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Fax: 0207 416 5270

HM Customs & Excise
New King's Beam House
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Home Office
Firearms & Explosives Section
Action against Crime and Disorder Unit
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SW1H 9AT
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Fax: 0207 273 4028

Humane Slaughter Association
The Old School
Brewhouse Hill
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Hertfordshire
AL4 8AN
Tel: 01582 831 919
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Web: www.hsa.org.uk
E-mail: info@hsa.org.uk

**International Long-Range Pistol Shooters
Association**
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Harrow
Middlesex
HA1 4NB
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International Maritime Organisation
4 Albert Embankment
London
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Fax: 020 7587 3210
Web: www.imo.org

London Proof House
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Fax: 020 7480 5102

The Medical Defence Union Ltd
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Fax: 020 7202 1662
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Email: mdu@the-mdu.com

**Ministry of Defence (cadets and reserve
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Directorate of Reserve Forces and Cadets
DRFC SEC1
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Ministry of Defence (range safety issues)
PC 'C'
Trenchard Lines
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Pewsey
Wiltshire
SN9 6BE
Tel: 01980 678 500
Fax: 01980 678 059

Museums Weapons Group
c/o Mark Murray Flutter
Royal Armouries
Armouries Drive
Leeds
LS10 1LT
Tel: 0113 220 1876
Fax: 0113 220 1871

**Muzzle Loaders' Association of Great
Britain (MLAGB)**
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Wasperton
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CONTACT DETAILS

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National Association of Re-enactment
Societies (NARES)
90 Woodlands Road
Isleworth
Middlesex
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Tel: 020 8847 2526

National Farmers Union
Agriculture House
164 Shaftesbury Avenue
London
WC2H 8HL
Tel: 020 7331 7200
Fax: 020 7331 7381

The National Gamekeepers' Organisation
PO Box 107
Bishop Auckland
Durham
DL13 5YU
Tel: 01388 718502
Fax: 01388 718502
Web: www.nationalgamekeepers.org.uk

National Operatic and Dramatic
Association
1 Crestfield Street
London
WC1H 8AU
Tel: 020 7713 5800
Fax: 020 7833 0609
www.noda.co.uk

National Rifle Association (NRA)
(including the National Shooting Centre
designated site)
Bisley Camp
Brookwood
Woking
Surrey
GU24 0PY
Tel: 01483 797 777
Fax: 01483 797 285

National Small-bore Rifle Association
(NSRA)
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Lord Roberts Centre
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Woking
Surrey
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Fax: 01483 476392
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Email: info@nsra.co.uk

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Police Federation
15/17 Langley Road
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Police Service of Northern Ireland
Firearms Licensing and Explosives Branch
Lisnasharragh
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CONTACT DETAILS

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Fax: 020 7273 1404
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Royal College of General Practitioners
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Hyde Park
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Fax: 020 7225 3047
Web: www.rcgp.org.uk
Email: info@rcgp.org.uk

**Royal Society for the Prevention of
Cruelty to Animals (RSPCA)**
Causeway
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Web: www.rspca.org.uk

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Fax: 01353 675447
Email: St.HubertClubGB@cwcom.net

Scotland Office
Home Affairs Branch
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Glasgow
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Fax: 0141 242 5994
Web: www.scottishsecretary.gov.uk
Email: Scottish.secretary@scotland.gov.uk

Scottish Crofters Union
Old Mill
Isle of Skye
IV49 9AQ
Tel: 01471 822 529
Fax: 01471 822 799
Web: www.scu.co.uk

Scottish Executive
Executive Secretariat
Solicitor's Division A2
Area 1-F
Victoria Quay
Edinburgh
EH6 6QQ
Web: www.scotland.gov.uk

Scottish Executive Education Department
Sport, the Arts and Culture Division
Area 1-A
Victoria Quay
Edinburgh
EH6 6QQ
Tel: 0131 244 0987
Fax: 0131 244 0353
Web: www.scotland.gov.uk
Email: firstname.surname@scotland.gsi.gov.uk

**Scottish Executive Environment and
Rural Affairs Department**
Freshwater Fisheries, Aquaculture and Marine
Environment
Branch 3 Marine Environment and Wildlife
Room 415, Pentland House
47 Robbs Loan
Edinburgh
EH14 1TY
Web: www.scotland.gov.uk

Scottish Executive Justice Department
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Web: www.scottish-gamekeepers.org.uk

Scottish Landowners' Federation
Stuart House
Eskmills Business Park
Musselburgh
EH21 7PB
Tel: 0131 653 5400
Fax: 0131 653 5401
Web: www.slf.org.uk
Email: slfinfo@slf.org.uk

Scottish Police Federation
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The Sealed Knot
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Fax: 020 8670 2133
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The Shooting Sports Trust Ltd
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41 Clarence Street
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TW18 4SY
Tel: 01784 461805

The Sportman's Association of Great
Britain and Northern Ireland
57 Garstang Road
Preston
Lancashire
PR1 1LB
Tel: 01772 200801
Fax: 01772 200802
Web: www.sportsmanassociation.org.uk
Email: info@sa-headquarters.freeserve.co.uk

Superintendents' Association of England
and Wales
67A Reading Road
Pangbourne
Berkshire
RG8 7JD
Tel: 0118 984 4005
Fax: 0118 984 5642

UK Athletics Ltd
Athletics House
10 Harborne Road
Edgbaston
Birmingham
B15 3AA
Tel: 0121 456 5098
Fax: 0121 456 8752
Web: www.Ukathletics.org

United Kingdom Practical Shooting
Association (UKPSA)
PO Box 4478
Harlow
Essex
CM17 0RS
Tel: 07010 703845
Fax: 0870 765 7721
Web: www/ukpsa.co.uk

Vintage Arms Association
46 St Petersburg Place
Bayswater
London
W2 4LD
Tel: 020 7727 3636
Fax: 020 7727 3636

Appendix 1
CONTACT DETAILS

**FIREARMS LICENSING
DEPARTMENTS FOR BRITISH POLICE
FORCES**

England & Wales

Avon & Somerset Constabulary
Firearms Licensing Bureau
New Bridewell
Bridewell Street
Bristol
BS1 2QH
Tel: 0117 945 5175
Fax: 0117 945 5174

Bedfordshire Police
Firearms Licensing Department
Police Headquarters
Woburn Road
Kempston
Bedford
MK43 9AX
Tel: 01234 842259
Fax: 01234 842133

Cambridgeshire Constabulary
Firearms Licensing Department
Hinchingsbrooke Park
Huntingdon
PE29 6NP
Tel: 01480 456111
Fax: 01480 422 237

Cheshire Constabulary
Firearms Licensing Department
Nuns Road
Chester
Cheshire
CH1 2PP
Tel: 01244 612243
Fax: 01244 612127

Cleveland Police
Firearms Licensing Department
Police Headquarters
PO Box 70
Ladgate Lane
Middlesborough
TS8 9EH
Tel: 01642 301352
Fax: 01642 301405

Cumbria Constabulary
Firearms Licensing Department
Carleton Hall
Penrith
Cumbria
CA10 2AU
Tel: 01768 217013
Fax: 01768 217017

Derbyshire Constabulary
Firearms Licensing Department
Police Headquarters
Butterley Hall
Ripley
Derby
DE5 3RS
Tel: 01773 570100

Devon & Cornwall Constabulary
Firearms Licensing Department
Police Headquarters
Middlemoor
Exeter
EX2 7HQ
Fax: 01392 452880
Tel: 01392 452973

Dorset Police
Firearms Licensing Department
Police Headquarters
Winfrith
Dorchester
DT2 8DZ
Tel: 01202 223776
Fax: 01202 223763

Durham Constabulary
Firearms Licensing Department
Police Headquarters
Aykley Heads
Durham
DH1 5TT
Tel: 0191 386 4929
Fax: 0191 375 2280

Dyfed-Powys Police
Firearms Licensing Department
Police Headquarters
PO Box 99
Llangunnor
Carmarthen
SA31 2PF
Tel: 01267 222020
Fax: 01267 226499

Appendix 1

CONTACT DETAILS

Essex Police
Firearms Licensing Department
Police Headquarters
PO Box 2
Springfield
Chelmsford
CM2 6DA
Tel: 01245 452768
Fax: 01245 452157

Gloucestershire Constabulary
Firearms Licensing Department
Police Headquarters
Holland House
Lansdown Road
Cheltenham
GL51 6QH
Tel: 01242 521321

Greater Manchester Police
Firearms & Explosives Unit
Openshaw Complex
Lawton Street
Openshaw
Manchester
M11 2NS
Tel: 0161 856 0820
Fax: 0161 856 0822

Gwent Police
Firearms Licensing Department
Police Headquarters
Croesyceiliog
Cwmbran
NP44 2XJ
Tel: 01633 838111
Fax: 01633 865211

Hampshire Constabulary
Firearms Licensing Branch
Police Headquarters
West Hill
Winchester
SO22 5DB
Tel: 0845 0454545
Fax: 01962 871188

Hertfordshire Constabulary
Firearms Licensing Department
Police Headquarters
Stanborough Road
Welwyn Garden City
AL8 6XF
Tel: 01707 638152
Fax: 01707 638156

Humberside Police
Firearms Licensing Department
Police Headquarters
Queens Gardens
Kingston upon Hull
HU1 3DJ
Tel: 01482 220237
Fax: 01482 220478

Kent County Constabulary
Firearms Licensing Department
Police Headquarters
Sutton Road
Maidstone
ME15 9BZ
Tel: 01622 652510
Fax: 01622 652519

Lancashire Constabulary
Firearms Licensing Department
PO Box 77
Hutton
Nr. Preston
PR4 5SB
Tel: 01772 412664
Fax: 01772 412332

Leicestershire Constabulary
Firearms Licensing Department
Charles Street Police Station
St George Street
Leicester
LE1 1SD
Tel: 0116 248 2814
Fax: 0116 248 2827

Lincolnshire Police
Firearms Licensing Department
Police Headquarters
PO Box 999
Lincoln
LN5 7PH
Tel: 01522 558164
Fax: 01522 558024

Appendix 1
CONTACT DETAILS

London, Metropolitan Police

Central & East SO19

Firearms Enquiry Team
Old Ilford Police Station
40 Ilford Hill
Ilford
Essex
IG1 2AY
Tel: 020 8345 4029
Fax: 020 8345 4190

Firearms Enquiry Team
Kensington Police Station
72-74 Earls Court Road
London
W8 6EQ
Tel: 020 8246 0840
Fax: 020 8244 0841

West SO19

Firearms Enquiry Team
5 Penrhyn Road
Kingston Upon Thames
Surrey
KT1 2BT
Tel: 020 8247 5247
Fax: 020 8247 5013

Firearms Enquiry Team
Henderson House
Peel Centre
Aerodrome Road
Colindale
London
NW9 5JE
Tel: 020 8358 1471
Fax: 020 8355 1469

South SO19

Firearms Enquiry Team
Old Dulwich Police Station
97 Crystal Palace Road
East Dulwich
London
SE22 9EY
Tel: 020 8282 6975
Fax: 020 8282 6967

London, City Of, Police

26 Old Jewry
London
EC2R 8DJ
Tel: 0207 601 2222

Merseyside Police
Firearms Registry
Police Headquarters
Canning Place
Liverpool
L69 1JD
Tel: 0151 777 8479
Fax: 0151 777 8485

Norfolk Constabulary
Firearms Licensing Department
Operations and Communication Centre
Falconers Chase
Wymondham
Norfolk
NR18 OWW
Tel: 01953 424192
Fax 01953 424203

Northamptonshire Police
Firearms Licensing Department
Police Headquarters
Wootton Hall
Northampton
NN4 0JQ
Tel: 01604 703288
Fax: 01604 703139

Northumbria Police
Firearms Licensing Department
Police Headquarters
Ponteland
Newcastle upon Tyne
NE20 0BL
Tel: 01661 868368
Fax: 01661 868540

North Wales Police
Firearms Licensing Department
CJU
Victoria Road
Prestatyn
Denbighshire
LL19 7TD
Tel: 01745 859634
Fax: 01745 880163

Appendix 1

CONTACT DETAILS

North Yorkshire Police
Firearms Licensing Department
Newby Wiske Hall
Northallerton
DL7 9HA
Tel: 01609 783131
Fax: 01609 789049

Nottinghamshire Police
Firearms Licensing Department
Police Headquarters
Sherwood Lodge
Arnold
Nottingham
NG5 8PP
Tel: 0115 967 0999
Fax: 0115 967 2719

South Wales Police
Firearms Licensing Department
Police Headquarters
Cowbridge Road
Bridgend
CF31 3SU
Tel: 01656 869244
Fax: 01656 869429

South Yorkshire Police
Firearms Licensing Department
Police Headquarters
Sheffield
S3 8LY
Tel: 0114 2325699
Fax: 0114 2523537

Staffordshire Police
Firearms Administration Unit
Police Headquarters
Cannock Road
Stafford
ST17 0QG
Tel: 01785 232338
Fax: 01785 232313

Suffolk Constabulary
Firearms Licensing Department
Police Headquarters
Martlesham
Ipswich
IP5 7QS
Tel: 01473 613681
Fax: 01473 613683

Surrey Police
Firearms Licensing Department
Police Headquarters
Mount Browne
Sandy Lane
Guildford
GU3 1HG
Tel: 01483 482187
Fax: 01483 482105

Sussex Police
Firearms Licensing Department
Police Headquarters
Malling House
Church Lane
Lewes
BN7 2DZ
Tel: 01273 404117
Fax: 01273 404228

Thames Valley Police
Firearms Department
Police Headquarters
Kidlington
Oxon
OX5 2NX
Tel: 01865 846000
Fax: 01865 846038

Warwickshire Constabulary
Firearms Licensing Department
Police Headquarters
PO Box 4
Leek
Wootton
Warwick
CV35 7QB
Tel: 01926 415254
Fax: 01926 415259

West Mercia Constabulary
Firearms Licensing Department
Police Headquarters
PO Box 55
Hindlip Hall
Hindlip
Worcester
WR3 8SP
Tel: 01905 723000
Fax: 01905 755709

Appendix 1
CONTACT DETAILS

West Midlands Police
Firearms Licensing Department
Police Headquarters
PO Box 52
Lloyd House
Colmore Circus
Queensway
Birmingham
B4 6NQ
Tel: 0121 626 5000

West Yorkshire Police
Firearms Licensing Department
Police Headquarters
PO Box 9
Wakefield
WF1 3QP
Tel: 01924 375222
Fax: 01924 292236

Wiltshire Constabulary
Firearms Licensing Department
County Police Station
George Lane
Malborough
SN8 4BU
Tel: 01672 511014
Fax: 01672 517804

Scotland

Central Scotland Police
Licensing Department
Police Headquarters
Randolphfield
Stirling
FK8 2HD
Tel: 01786 456312
Fax: 01786 456311

Dumfries & Galloway Constabulary
Licensing Department
Police Headquarters
Cornwall Mount
Dumfries
DG1 1PZ
Tel: 01387 260517
Fax: 01387 260501

Fife Constabulary
Licensing Department
Police Headquarters
Detroit Road
Glenrothes
Fife
KY6 2RJ
Tel: 01592 418888
Fax: 01592 418444

Grampian Police
Licensing Department
Police Headquarters
Queen Street
Aberdeen
AB10 1ZA
Tel: 01224 386270
Fax: 01224 386013

Lothian & Borders Police
Licensing Section
Police Headquarters
'O' Division
5 Fettes Avenue
Edinburgh
EH4 1RB
Tel: 0131 311 3297
Fax: 0131 311 3064

Northern Constabulary
Firearms Licensing Department
Police Headquarters
Perth Road
Inverness
IV2 3SY
Tel: 01463 720484
Fax: 01463 716848

Strathclyde Police
Licensing Branch
Police Headquarters
173 Pitt Street
Glasgow
G2 4JS
Tel: 0141 532 2698
Fax: 0141 532 2465

Appendix 1

CONTACT DETAILS

Tayside Police
Firearms Administration
Police Headquarters
PO Box 59
West Bell Street
Dundee
DD1 9JU
Tel: 01382 223200
Fax: 01382 596859

**UNITED KINGDOM POLICE
FORCE HEADQUARTERS**

England and Wales

Avon & Somerset Constabulary
PO Box 37
Portishead
Bristol
Avon
BS20 8QJ
Tel: 01275 818181

Bedfordshire Police
Woburn Road
Kempston
Bedford
MK43 9AX
Tel: 01234 841212

Cambridgeshire Constabulary
Hinchingsbrooke Park
Huntingdon
PE29 6NP
Tel: 01480 456111

Cheshire Constabulary
Castle Esplanade
Chester
CH1 2PP
Tel: 01244 350000

Cleveland Police
PO Box 70
Ladgate Lane
Middlesborough
TS8 9EH
Tel: 01642 326326

Cumbria Constabulary
Carleton Hall
Penrith
CA10 2AU
Tel: 01768 891999

Derbyshire Constabulary
Butterley Hall
Ripley
Derby
DE5 3RS
Tel: 01773 570100

Devon & Cornwall Constabulary
Middlemoor
Exeter
EX2 7HQ
Tel: 0990 777444

Dorset Police
Winfrith
Dorchester
DT2 8DZ
Tel: 01929 462727

Durham Constabulary
Aykley Heads
Durham
DH1 5TT
Tel: 0191 386 4929

Dyfed-Powys Police
PO Box 99
Llangunnor
Carmarthen
SA31 2PF
Tel: 01267 222020

Essex Police
PO Box 2
Springfield
Chelmsford
CM2 6DA
Tel: 01245 491491

Gloucestershire Constabulary
Holland House
Lansdown Road
Cheltenham
GL51 6QH
Tel: 01242 521321

Appendix 1
CONTACT DETAILS

Greater Manchester Police
PO Box 22 (S.West PDO)
Chester House
Boyer Street
Manchester
M16 0RE
Tel: 0161 872 5050

Gwent Police
Croesyceiliog
Cwmbran
NP44 2XJ
Tel: 01633 838111

Hampshire Constabulary
West Hill
Winchester
SO22 5DB
Tel: 0845 0454545

Hertfordshire Constabulary
Stanborough Road
Welwyn Garden City
AL8 6XF
Tel: 01707 354200

Humberside Police
Queens Gardens
Kingston upon Hull
HU1 3DJ
Tel: 01482 326111

Kent County Constabulary
Sutton Road
Maidstone
ME15 9BZ
Tel: 01622 690690

Lancashire Constabulary
PO Box 77
Hutton
Nr. Preston
PR4 5SB
Tel: 01772 614444

Leicestershire Constabulary
St. Johns
Narborough
Leicester
LE9 5BX
Tel: 0116 222 2222

Lincolnshire Police
PO Box 999
Lincoln
LN5 7PH
Tel: 01522 532222

London, Metropolitan Police
New Scotland Yard
Broadway
London
SW1H 0BG
Tel: 0207 230 1212

London, City Of, Police
26 Old Jewry
London
EC2R 8DJ
Tel: 0207 601 2222

Merseyside Police
PO Box 59
Liverpool
L69 1JD
Tel: 0151 709 6010

Norfolk Constabulary
Operations and Communication Centre
Falconers Chase
Wymondham
Norfolk
NR18 OWW
Tel: 01953 424242

Northamptonshire Police
Wootton Hall
Northampton
NN4 0JQ
Tel: 01604 700700

Northumbria Police
Ponteland
Newcastle upon Tyne
NE20 0BL
Tel: 01661 872555

North Wales Police
Colwyn Bay
LL29 8AW
Tel: 01492 517171

Appendix 1

CONTACT DETAILS

North Yorkshire Police
Newby Wiske Hall
Northallerton
DL7 9HA
Tel: 01609 783131

Nottinghamshire Police
Sherwood Lodge
Arnold
Nottingham
NG5 8PP
Tel: 0115 967 0999
Fax: 0115 967 2719

South Wales Police
Bridgend
CF31 3SU
Tel: 01656 655555

South Yorkshire Police
Sheffield
S3 8LY
Tel: 0114 220 2020

Staffordshire Police
Cannock Road
Stafford
ST17 0QG
Tel: 01785 257717

Suffolk Constabulary
Martlesham Heath
Ipswich
IP5 7QS
Tel: 01473 613500

Surrey Police
Mount Browne
Sandy Lane
Guildford
GU3 1HG
Tel: 01483 571212

Sussex Police
Malling House
Church Lane
Lewes
BN7 2DZ
Tel: 0845 6070999

Thames Valley Police
Kidlington
Oxon
OX5 2NX
Tel: 01865 846000

Warwickshire Constabulary
PO Box 4
Leek Wootton
Warwick
CV35 7QB
Tel: 01926 415000

West Mercia Constabulary
PO Box 55
Hindlip Hall
Hindlip
Worcester
WR3 8SP
Tel: 01905 723000

West Midlands Police
PO Box 52
Lloyd House
Colmore Circus
Queensway
Birmingham
B4 6NQ
Tel: 0121 626 5000

West Yorkshire Police
PO Box 9
Wakefield
WF1 3QP
Tel: 01924 375222

Wiltshire Constabulary
London Road
Devizes
SN10 2DN
Tel: 01380 722341

Scotland

Central Scotland Police
Randolphfield
Stirling
FK8 2HD
Tel: 01786 456000

Appendix 1
CONTACT DETAILS

Dumfries & Galloway Constabulary
Cornwall Mount
Dumfries
DG1 1PZ
Tel: 01387 52112

Fife Constabulary
Detroit Road
Glenrothes
Fife
KY6 2RJ
Tel: 01592 418888

Grampian Police
Queen Street
Aberdeen
AB10 1ZA
Tel: 01224 386000

Lothian & Borders Police
Fettes Avenue
Edinburgh
EH4 1RB
Tel: 0131 311 3131

Northern Constabulary
Perth Road
Inverness
IV2 3SY
Tel: 01463 715555

Strathclyde Police
173 Pitt Street
Glasgow
G2 4JS
Tel: 0141 532 2000

Tayside Police
PO Box 59
West Bell Street
Dundee
DD1 9JU
Tel: 01382 23200

Other

Police Service of Northern Ireland
Firearms Licensing and Explosives Branch
Lisnasharragh
42 Montgomery Road
Belfast
BT6 9LD
Tel: 028 9065 0222
Fax: 028 9070 0946
Email: firearms@psni.police.uk
Web: www.psni.police.uk/farms/

Isle Of Man Constabulary
Glencrutchery Road
Douglas
IM2 4RG
Tel: 01624 631212

Jersey Police
PO Box 789
St Helier
Jersey
JE4 8ZD
Tel: 01534 612612

Guernsey Police
Police Headquarters
St Peter Port
Guernsey
GY1 2QN
Tel: 01481 725111

Appendix 2

LIST OF FIREARMS FORMS

Title	Number
* Application for grant, renewal or variation of firearm certificate	101
* Firearm certificate	102
* Application for grant or renewal of a shot gun certificate	103
* Shot gun certificate	104
* Application for visitor's firearm/shot gun permit	107
* Visitor's firearm permit	108
* Visitor's shot gun permit	110
* Permit to possess firearms or ammunition (authorised under section 7)	111
* Permit to possess shot guns (authorised under section 7)	112
* Auctioneer's permit (for section 1 firearms)	113
* Auctioneer's permit (for section 2 shot guns)	114
* 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
* Reference Form	125
** 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 the Stationery Office.

*** Not prescribed, forms produced by the police.

Appendix 3

CONDITIONS FOR FIREARM CERTIFICATES

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 and ground game/fox/deer (delete as appropriate) and for zeroing on ranges, or 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 in italics 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 Shot Guns 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 Shot Gun

- 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 in italics 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.

CONDITIONS FOR FIREARM CERTIFICATES

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 where a safety certificate for that class of firearm has been issued by the Ministry of Defence.

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/association¹).
- The *calibre *PISTOL/REVOLVER, SOUND MODERATOR and ammunition shall be used (only) in connection with the HUMANE KILLING OF HORSES at *racecourse¹ whilst a member of the ARVS.

¹ 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 of such ammunition, in the calibres authorised by this certificate and 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 *club¹, on ranges where a safety certificate for that class of firearm has been issued by the Ministry of Defence.

¹ Insert name of Home Office Approved Shooting Club.

10. Target Shooting – Club Guns

- The firearms and ammunition shall be used (only) for target shooting on ranges where a safety certificate for that class of firearm has been issued by the Ministry of Defence.

11. Target Shooting – Shot Guns

- The SMOOTH-BORE GUN/SOLID SLUG shall be used for practical target shooting:-
 - a. on ranges where a safety certificate for that class of firearm has been issued by the Ministry of Defence or:
 - b. over a course of fire approved by a qualified member of the UKPSA on land over which the holder has lawful authority to shoot.

Automatic Condition for Section 1 Shot Guns 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 where a current safety certificate has been issued by the competent authority.

CONDITIONS FOR FIREARM CERTIFICATES

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 *place¹ 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 under section 7(3) of the Firearms (Amendment) Act 1997 namely, *place¹.

¹ Insert place of storage.

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 where a safety certificate for that class of firearm has been issued by the Ministry of Defence.

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 in which the firearm(s) is/are being used by persons controlling the races.
- The *calibre *CANNON shall be used only for CONTROLLING RACES.

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 * society¹.

¹ Insert name of society/societies.

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 *date¹ when he/she will attain the age of seventeen years.

¹ Insert date of the holder's 17th birthday.

Appendix 4 YOUNG PERSONS AND FIREARMS LAW

	Under 17	Under 15	Under 14
1. Purchase any firearm or ammunition	✗	✗	✗
2. Possess section 1 firearm <i>Exemptions</i>	✓	✓	✗ <i>1,2,3 (see below)</i>
3. Receive gift of section 1 firearm	✓	✓	✗
4. Possess assembled shot gun <i>Exemptions</i>	✓	✗ <i>4,5 (see below)</i>	✗ <i>4,5 (see below)</i>
5. Receive shot gun as gift	✓	✗	✗
6. Possess air weapon <i>Exemptions</i>	✓	✓	✗ <i>2,3,4 (see below)</i>
7. Receive air weapon as gift	✓	✓	✗
8. Possess air weapon in public place <i>Exemptions</i>	✗ <i>2,3,5 (see below)</i>	✗ <i>2,3,5 (see below)</i>	✗ <i>2,3,5 (see below)</i>

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).

Appendix 5

ANTIQUÉ FIREARMS: OBSOLETE CALIBRES

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)

Appendix 5

ANTIQUÉ FIREARMS: OBSOLETE CALIBRES

- .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 shot gun
 .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 Caliber 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)
 .42/.50-70 Caliber 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 Caliber 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)

Appendix 5

ANTIQUÉ FIREARMS: OBSOLETE CALIBRES

- .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 2³/₈", 2⁷/₈", 2¹⁹/₃₂" Thomas Turner No 2, 2³/₄" Westley Richards and 3¹/₄". Also the .450.400 3" Jeffrey (H)
 .450 Black Powder Express in case lengths of 1¹/₂", 2¹/₂", 2⁹/₁₆", 2⁶/₁₀", 3", 3¹/₁₆" and 3¹/₄" (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 5 8 Forster')

Appendix 5

ANTIQUÉ FIREARMS: OBSOLETE CALIBRES

- | | |
|--|--|
| 6mm x 58 Forster (B) | 8mm Protector (E&B) |
| 6mm x 29.5 Stahl (D) | 8mm Raphael (E&B) |
| 6.3mm x 21 rimless (W&M) | 8mm Schulof (E&B) |
| 6.5mm Bergmann No.3 Pistol (W&M) | 8.15mm x 46R (Hu) |
| 6.5mm Mannlicher Pistol M.1894 (W&M) | 8.15mm Mauser Experimental (ECRA) |
| 6.5mm Mondragon (Hu) | 8.3mm x 53.5R Rubin (H) |
| 6.5mm x 27R (D) | 8.5mm Mars (E&B) |
| 6.5mm x 4OR (B) | 9mm x 51.5R Rubin (H) |
| 6.5mm x 48R Sauer (B) | 9mm x 57R Rubin (H) |
| 6.5mm Ronezewsky (E&B) | 9mm Devisme (E&B) |
| 6.6mm x 7OR (D) | 9mm Moutier rimless-grooveless (E&B) |
| 6.8mm x 19.6 Revolver (W&M) | 9mm French Thick Rim (E&B) |
| 6.8mm Schulhof pistol (W&M) | 9mm Mars (E&B) |
| 7mm Bar (W&M) | 9mm Belgian Nagant (W&M) |
| 7mm Charola y Anitua (W&M) | 9.1mm x 40 Walking Stick |
| 7mm French thick rim (W&M) | 9.3mm x 58R Koeffler (H) |
| 7mm Galand (W&M) | 9.3mm x 63.5R Koeffler (H) |
| 7mm Revolver (W&M) | 9.3mm x 70R (D) |
| 7mm CF Walking Stick | 9.3mm x 75R Nimrod (D) |
| 7mm Devisme (E&B) | 9.3mm x 82R Nimrod (D) |
| 7mm German Target Pistol Cartridges (Nos. 46-49, E&B) | 9.3mm x 65R Collath (B) |
| 7.25mm Adler (W&M) | 9.4mm Dutch Revolver (W&M) |
| 7.5mm x 53.5R Rubin (H) | 9.5mm x 59R Gras Exptl. (H) |
| 7.5mm x 53.5 Rimless Rubin (H) | 9.5mm x 60R Turkish Mauser (H) |
| 7.5mm x 53 Swiss Schmidt Rubin M.1890 (H) | 9.5mm x 42R (D) |
| 7.53mm x 60R Hebler (H) | 9.5mm x 47R (ECRA) |
| 7.65mm Frommer M. 1901 (W&M) | 10mm x 47R (D) |
| 7.65mm Roth-Sauer (W&M) | 10mm Gaupillat (E&B) |
| 7.7mm Bittner pistol (W&M) | 10mm Bergmann (E&B) |
| 7.7mm x 60R (D) | 10mm Mars (ECRA) |
| 7.8mm Bergmann No.5 (E&B) | 10mm Mauser Short (E&B) |
| 7.8mm x 19R Laumann (referred to in J.HBSA Vol 2 No 6, as above) | 10mm Mauser Long (E&B) |
| 8mm German Target Pistol (No. 86, E&B) | 10.15mm x 61R (H) |
| 8mm Schonberger (W&M) | 10.15mm x 63R Serbian mauser (H) |
| 8mm x 55R Petit Gras (H) | 10.15mm x 61R Jarmann (H) |
| 8mm x 58R Petit Gras (H) | 10.16mm x 57R Berdan Exptl. (H) |
| 8mm x 57R Petit Gras (H) | 10.25mm x 69R Hunting-Express (B) |
| 8mm x 75R Pieri (H) | 10.3mm x 41R (H) |
| 8mm x 61R Rubin (H) | 10.3mm x 65R Baenziger (D) |
| 8mm x 57.5R Rubin (H) | 10.35mm x 47R Italian Vetterli (H) |
| 8mm x 57R Spanish Exptl. (H) | 10.4mm x 56R Swiss (H) |
| 8mm x 60R Guedes and Portuguese Kropatschek (H) | 10.4mm x 42R Swiss Vetterli (H) |
| 8mm Gaulois pistol (W&M) | 10.4mm x 38R Martini-Galland (D) |
| 8mm Bergmann No.1 pistol (D) | 10.4mm Swiss M.1878 (W&M) |
| 8mm x 48R (D) | 10.4mm x 47R Stahl (D) |
| 8mm x 72R (D) | 10.6mm German Ordnance Revolver (W&M) |
| 8mm x 48R Sauer (B) | 10.6mm Mauser (W&M) |
| 8mm x 58R Sauer (B) | 10.66mm x 57R Russian Berdan (H) |
| 8mm Bergmann No.4 (E&B) | 10.66mm x 48R Russian Berdan Carbine (H) |
| 8mm Bergmann No.7 (E&B) | 10.7mm x 57R Krag Petersson (H) |
| 8mm Bergmann-Schmeisser (E&B) | 10.75mm x 55R (H) |
| | 10.8mm x 47 Martini (B) |
| | 11mm x 42R (H) |

Appendix 5

ANTIQUÉ FIREARMS: OBSOLETE CALIBRES

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 Albini-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 Mitrailieuse (H)
12.5mm x 60R (D)
12.7mm x 48R (H)
12.7mm x 70R Mitrailieuse (H)
12.8mm x 45R Papal Remington (H) (also known as the 12.7mm x 45R)
13mm x 87R Mitrailieuse (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 Mitrailieuse (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)

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:

- 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) 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 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.

- 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).

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 shot guns 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 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 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 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.

GUIDANCE ON SECURE KEEPING OF FIREARMS

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, shot guns and ammunition should be expected to provide the resistance equal to:

A cabinet manufactured and fitted as certified to comply with BS7558:1992

Or

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/shot guns, 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.

GUIDANCE ON SECURE KEEPING OF FIREARMS

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 shot gun 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.

Shot Guns

3. Such weapons may be taken into Northern Ireland provided that the visitor holds a valid Great Britain shot gun 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 shot gun 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

APPLICATIONS TO REMOVE FIREARMS/AMMUNITION FROM GREAT BRITAIN TO NORTHERN IRELAND (INCLUDING REGISTERED FIREARMS DEALERS)

1. A person or registered firearms dealer in Great Britain wishing to send firearms to which section 1 of the 1968 Act applies or ammunition for section 1 firearms to a person or a registered firearms dealer in Northern Ireland should obtain firearms form 120 (Application to transfer firearms to Northern Ireland) from their local police and complete both pages. A separate application form should be completed for each firearm or consignment of ammunition which it is proposed to send to Northern Ireland.
2. The completed form should be returned to the chief officer of police in Great Britain for the area from which the firearms or ammunition are to be removed. Dealers should also, if possible, forward to the chief officer a copy of the certificate of registration of the firearms dealer in Northern Ireland.
3. The police should check that the form has been correctly completed and that the information given corresponds with any information in police firearms records. They should also clarify with the applicant any queries or doubts about the transaction. The police should ensure as far as possible that if a Northern Ireland dealer is involved they are authorised to receive the consignment in question. A brief acknowledgement of the application might be sent to the applicant.
4. Where chief officers of police decide to authorise the removal (see also note below about security in transit), they should complete part 1 (except section 4), the top part of part 2 and schedules 3 and 4 as necessary of firearms form 121 (Authorisation to transfer firearms to Northern Ireland). Any conditions imposed should be inserted where indicated at the end of the form.
5. Once this has been done, the following documents should be sent immediately to the Police Service of Northern Ireland, Firearms Licensing and Explosives Branch, Lisnasharragh, 42 Montgomery Road, Belfast BT6 9LD by first class mail or by fax (028 9070 0946), with copies being retained for record purposes:
 - the firearms forms 120 and 121; and, if appropriate,
 - a copy of the certificate of registration of the firearms dealer in Great Britain.
6. On receipt of the forms, the Police Service of Northern Ireland will make the appropriate local enquiries of the dealer or other consignees. The Chief Constable of the Police Service of Northern Ireland, where it is decided to authorise the removal, will complete the lower part of part 2 on firearms form 121 and if necessary impose conditions on the removal. The forms will then be returned to the chief officer in Great Britain.
7. If both the Chief Constable of the Police Service of Northern Ireland and the chief officer in Great Britain authorise the removal, the chief officer in Great Britain should then complete section 4 of part 1 of firearms form 121, showing the date after which the authorisation shall cease to have effect. The period allowed should be sufficient to enable the removal to take place. It is unlikely that a period exceeding two months would normally be necessary, other than in exceptional circumstances. Firearms form 121 should then be issued to the applicant and a copy sent to the Police Service of Northern Ireland.

**APPLICATIONS TO REMOVE FIREARMS/AMMUNITION FROM GREAT BRITAIN
TO NORTHERN IRELAND (INCLUDING REGISTERED FIREARMS DEALERS)**

8. A copy of the certificate of registration of the firearms dealer in Northern Ireland should be retained by the police in Great Britain for filing and destruction in due course. Copies of Northern Ireland firearms dealers' certificates of registration should not be sent to the Chief Constable of the Police Service of Northern Ireland.

9. Where either police force in question is not prepared to authorise the removal, then the application must be refused. Notice of refusal should be sent to the applicant by the local chief officer and a copy sent to the Police Service of Northern Ireland.

Note: The answer to questions 12 and 13 on form 120 will give information to enable the Police Service of Northern Ireland and the appropriate chief officer in Great Britain to consider the applicant's arrangements for transport and security in transit.

Appendix 10

CONDITIONS FOR AUTHORISATION TO REMOVE FIREARMS AND AMMUNITION FROM GREAT BRITAIN TO NORTHERN IRELAND

The information provided in the form of application (Form 120) will enable a chief officer of police to impose certain conditions, as listed below, in the space provided for that purpose in Part I (a) of Form 121.

- (i) The firearms and ammunition specified in the schedule below shall be removed only to..... *(insert name and address of consignee and, where the consignee is a registered dealer, the name of the business and business address if any).*
- (ii) The firearms and ammunition specified in the schedule below shall only be removed by..... *(insert method of transportation).*
- (iii) The firearms and ammunition specified in the schedule below shall be removed by the following route.....
(insert route by which consignment will travel)
- (iv) During the removal to which this authorisation relates the firearms and ammunition specified in the schedule below shall be..... *(insert security arrangements for transportation).*
- (v) During the removal to which this authorisation relates the firearms and ammunition specified in the schedule below shall be..... *(insert method of packing).*

APPENDIX 11

CONDITIONS FOR VISITOR'S FIREARM OR SHOT GUN 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 (shot gun) 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 (shot gun) 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 (shot gun) by an unauthorised person.
 - (b) Where a firearm or ammunition (shot gun) to which this permit relates is in use or the holder of the permit has the firearm (shot gun) 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 (shot 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 firearm or ammunition (or shot gun).
 - (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 where a safety certificate for that class of firearm has been issued by the Ministry of Defence.
 - (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 shot gun 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 shot gun which the holder has purchased or otherwise acquired; and must enter the details of each such shot gun in the appropriate part of this permit.

Appendix 12

EUROPEAN UNION (EU) MEMBER STATES

The following 15 nations are members of the EU:

- Austria
- Belgium
- Denmark
- Finland
- France
- Germany
- Greece
- Ireland
- Italy
- Luxembourg
- Netherlands
- Portugal
- Spain
- Sweden
- United Kingdom

Appendix 13

CATEGORIES OF WEAPONS UNDER THE 1991 EC DIRECTIVE (91/477/EEC) ON CONTROL OF THE ACQUISITION AND POSSESSION OF WEAPONS

There are 4 categories of weapons under the EC Directive:

CATEGORY A

1. Explosive military missiles and their launchers.
2. Automatic firearms.
3. Firearms disguised as other objects.
4. Ammunition with penetrating (armour-piercing), 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 target shooting, for persons entitled to use them.

CATEGORY B

1. All handguns and short rifles, carbines and smooth-bore guns with a barrel not exceeding $11\frac{5}{8}$ inches (30 cm) or an overall length not exceeding 23.6 inches (60 cm) except single shot rimfire pistols with an overall length of 11 inches (28 cm) or more.
2. All semi-automatic rifles and smooth-bore guns:
 - (i) with a magazine and chamber which can together hold more than 3 rounds; or
 - (ii) where the magazine and chamber cannot together hold more than 3 rounds but could be converted to a larger capacity with ordinary tools; or
 - (iii) with a detachable magazine; or

- (iv) in the case of smooth-bore guns, which have a barrel of less than 24 inches (60.96 cm); or
- (v) which resemble automatic weapons.

3. Repeating (that is, pump-action, bolt-action, lever-action) and other manually loaded, smooth-bore guns, and smooth-bore revolver guns, with a barrel of less than 24 inches (60.96 cm).

CATEGORY C

1. Repeating (that is, pump-action, bolt-action, lever-action) and other manually operated rifles and single shot rifles.
2. Repeating (that is, pump-action, bolt-action, lever-action) and other manually loaded, smooth-bore guns, and smooth-bore revolver guns, with a barrel of not less than 24 inches (60.96 cm).
3. Semi-automatic rifles and smooth-bore guns:
 - (i) where the magazine and chamber together cannot hold more than 3 shots and which cannot be converted to a larger capacity using ordinary tools, for example smooth-bore guns which have been adapted in accordance with section 2(3) of the 1988 Act: and
 - (ii) which do not have a detachable magazine; and
 - (iii) which do not resemble fully automatic weapons; and
 - (iv) which, in the case of smooth-bore guns, have a barrel of not less than 24 inches.
4. Single-shot rimfire pistols with an overall length of more than 11 inches (28 cm).
5. Any shot gun with a magazine.

Appendix 13

**CATEGORIES OF WEAPONS UNDER THE 1991 EC DIRECTIVE (91/477/EEC)
ON CONTROL OF THE ACQUISITION AND POSSESSION OF WEAPONS**

CATEGORY D

Any shot gun without a magazine.

This includes single-barrel, single-shot, over and under and side by side shot guns, or any multi-barrelled shot guns which can only fire one shot from each barrel without reloading.

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This is not intended to be a definitive index of the entire contents of the Guidance but it will help users find their way around this extensive document. It should be read in conjunction with the chapter and appendix headings (and sub-headings).

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CHANGES TO TEXT SINCE PUBLICATION

The following changes have been made since December 2001:

March 2002

<u>Paragraph</u>	<u>Amendment</u>
3.2 (viii)	The following change has been made at the end of sub-section: “(section 5(1)(ac)” to “(section 5(1)(c)”.
9.31	The following has been added to the end of sub-section: (vii) Lincolnshire Shooting Centre, Lincolnshire.
11.7	Add the following underlined text in a new paragraph at the end of b) to say: <u>“General Practitioners (GPs) have raised their role as countersignatories as adding an extra administrative burden to their day. The Home Office is considering replacing the current system of countersignatories with a system of referees similar to that which applies to firearm certificates. In the interim, applicants should be encouraged to seek an alternative to their GP as countersignatory, if at all possible. If there is no alternative, applicants should be advised to see their GP outside surgery hours.”</u>
13.67	The following amendment has been made at the start of the second sentence: “However, under section 5 of the 1997 Act” to “However, under section 8 of the 1997 Act”.
18.13	The following has been added as a new number 9), thus requiring all the following sub-sections to be renumbered: 9) the club will inform the police of any application for membership, giving the applicant’s name and address, and of the outcome of any application;
Appendix 4	The following has been added at the end of footnote 5 after the table: (but this exemption is not available in respect of air pistols).



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