



Museum Firearms Licenses

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

What a museum licence allows

17.2 Section 19 of, and the Schedule to, the 1988 Act provide for the issue to a museum of a museum firearms licence. The grant of a licence permits the persons responsible for the management of the museum and museum employees to possess, purchase or acquire, for the purposes of the museum:

- a) firearms and ammunition which are, or are to be, normally exhibited or kept on its premises, without holding a firearm certificate or shotgun certificate; and
- b) where the licence so provides, prohibited weapons and prohibited ammunition which are, or are to be, normally exhibited or kept as aforesaid, without the authority of the Secretary of State or Scottish Ministers under section 5 of the Firearms Act 1968 (as amended).

Requirements for a museum licence to be issued

17.3 A museum licence may be granted only to those major national museums listed in the Schedule or to any other museum or similar institution which either:

- a) has as its purpose, or one of its purposes, the preservation for the public benefit of a collection of historic, artistic or scientific interest which includes or is to include firearms; and
- b) which is maintained wholly or mainly out of money provided by Parliament or a local authority; or
- (c) is accredited by the Museums, Libraries and Archives Council (MLA) or its successor bodies, Arts Council England, Arts Council of Wales or the Scottish Arts Council.

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

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

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

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

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

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

The Arts Council of Wales
Bute Place
Cardiff
CF10 5AL

The Scottish Arts Council
12 Manor Place
Edinburgh
EH3 7DD

Applications for a museum licence

- 17.6 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:

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

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

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

- 17.7 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 Government, a request will be made to the chief officer to verify that proper arrangements are in hand to ensure the safe custody of the firearms and/or ammunition.

17.8 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 Government. It should be noted that these inspections and reports should only cover arrangements for safe custody, and should not deal with the condition or physical state of exhibits. The latter are entirely a matter for the museum authorities. Many of the larger museums will of course have their own, experienced, security staff. In such cases, full consultation should take place with the appropriate museum staff in order to gain the benefit of their expertise. Further advice can be found in part 6 of the Firearm Security Handbook 2005.

Conditions that may be added to museum licences

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

Issue and renewal of museum licences

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

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

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

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

17.12 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 for a grant. It is recommended best practice that applications for renewal should be made at least three months before the expiration of the previous licence.

Variation of museum licences

17.13 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
- 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 Government, who may then request that the police undertake an additional security inspection. On the other hand, circumstances may come to police notice which suggest that an additional condition to ensure safekeeping should be attached to the licence or that security arrangements for particular premises are no longer suitable. In such a case a full report on the circumstances, together with the recommendation of the chief officer of police, should be forwarded to the Home Office or the Scottish Government. Where difficulties arise, every effort should be made to consult fully with the museum authorities

17.15 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 Government. Where a problem arises over security arrangements, the museum authorities should be approached in the first instance with a view to resolving any difficulty.
- 17.18 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 person or any of the persons responsible for the management of the museum to fail to comply with or to cause or permit another person to fail to comply with any condition specified in the licence held in respect of the museum.
- 17.21 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:
- a) director, manager, secretary or other similar officer of the body corporate, or;
 - b) any person who was purporting to act in any such capacity
- they, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against and punished accordingly. References to the persons responsible for the management of the museum are to the Board of Trustees, the governing body, or any other person exercising corresponding functions of management.