



Home Office

**Lord Taylor of Holbeach CBE**  
**LORDS MINISTER AND MINISTER FOR CRIMINAL INFORMATION**

2 Marsham Street, London SW1P 4DF

[www.homeoffice.gov.uk](http://www.homeoffice.gov.uk)

Rt. Hon. Baroness Smith of Basildon  
House of Lords  
London  
SW1A 0PW

26<sup>th</sup> November 2013

Dear Angela,

**ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING BILL**

I am writing to let you have details of a second tranche of Government amendments for Committee stage that I have tabled today (copy attached). These amendments deal with two issues as follows.

**Firearms licensing (new clause *Possession of firearms by persons previously convicted of crime* and amendment to clause 159)**

The Government remains committed to strengthening the effectiveness of the firearms licensing regime where necessary in order to protect people from harm. We have identified two loopholes in the current regime which we should take the opportunity provided by the Bill to address.

Under the terms of the Firearms Act 1968, persons who are sentenced to a term of imprisonment of three years or more are never allowed to possess firearms or ammunition, and persons who are sentenced to a term of imprisonment for three months or more but less than three years are banned from possessing a firearm or ammunition until five years have passed since the 'date of release'. However, these restrictions do not extend to people who are sentenced to the same term of imprisonment but whose sentence has been suspended. Consequently, those with suspended sentences are eligible to apply for a firearms certificate and can also avail themselves of exemptions to possess a firearm without a certificate.

The second loophole relates to antique firearms. The 1968 Act includes a number of exemptions to the normal requirement to hold a licence in order to lawfully possess a firearm. One such exception relates to antique firearms possessed as "curiosities or ornaments". Under the Act a "prohibited person" (those with criminal convictions)

cannot generally avail themselves of the exemptions, but as a result of the exemption in section 58(2), nothing in the Act (including the prohibition in section 21) applies to antique firearms which are possessed as curiosities or ornaments. As a result a prohibited person could purchase an antique ostensibly as an ornament but with the intention of using it for criminal purposes.

Closing both of these loopholes would strengthen public protection by ensuring that persons convicted of a criminal offence are prohibited from possessing firearms.

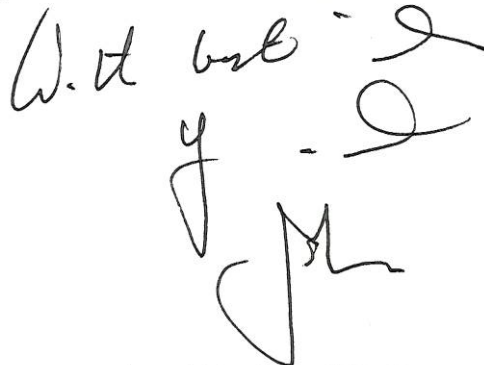
Subsection (3) of new clause *Possession of firearms by persons previously convicted of crime* provides that the change in respect of suspended sentences does not have retrospective effect where a person who would otherwise be caught by the change holds an existing firearms certificate.

**College of Policing: power to charge (new clause *Charging of fees by the College*)**

As a company limited by guarantee, the College of Policing is able to operate on a commercial basis and generate income through the sale of its products and services. Securing income through trading is a necessary part of the College's ability to establish itself as a body independent of Government. However, it is right that the College's sale of products and services of a public nature (such as police promotion examinations and assessments) should be subject to Parliamentary scrutiny. New clause *Charging of fees by the College* therefore provides for the College to charge for these services only to the extent specified by the Home Secretary in secondary legislation, which will be subject to Parliamentary scrutiny under the negative resolution procedure.

I attach supplementary ECHR and delegated powers memorandums in respect of these amendments.

I am copying this letter to all Peers who spoke at Second Reading and to Baroness Thomas of Winchester (Chairman, DPPRC), Baroness Jay of Paddington (Chairman, Constitution Committee), Dr Hywel Francis (Chair, JCHR), Keith Vaz (Chair, HASC) and Jack Dromey. I am also placing a copy in the library of the House and on the Bill page of the Government website.

A handwritten signature in black ink, appearing to read 'W. Taylor', with a stylized flourish below it.

**Lord Taylor of Holbeach CBE**