

Anti-social Behaviour, Crime and Policing Bill

Fact sheet: British Transport Police Firearms Licensing (clause 102)

Background

1. The British Transport Police (“BTP”) is a statutory police force, established under the Railways and Transport Safety Act 2003 and responsible for policing Britain’s rail network. In light of the evolving threat from terrorism, it was decided in early 2011 that BTP should develop an armed capability in common with territorial police forces. The establishment of this capability has been hampered by the current firearms licensing arrangements which place British Transport Police officers in a different position to that enjoyed by officers from the territorial police forces in England and Wales and the Police Service of Scotland.
2. As a consequence, individual officers must apply to their local police force in a private capacity for a firearms certificate to enable them to perform a role on behalf of the State. They must rely on the same legal authority to possess firearms, and follow the same licensing procedure as individuals holding firearms for the purposes of sport and recreation, even though they may be required to exercise deadly force in the execution of their statutory functions in the protection of the public.

Amending the Firearms Act 1968

3. Clause 102 will amend the Firearms Act 1968, bringing British Transport Police officers (and employees of the British Transport Police Authority under the control of the Chief Constable of British Transport Police), within the definition of a “Crown servant”. As a result, such officers and employees will no longer be required to obtain certificates for firearms under the 1968 Act in connection with the exercise of their duties.
4. The development of a British Transport Police armed capability to respond as and when necessary to protect the public and avoid the need for other police forces, such as the Metropolitan Police, to divert their armed resources at times of heightened threat, was announced in a written ministerial statement in May 2011. Whilst it has proved possible to develop that capability using existing firearms licensing arrangements, apart from this unsatisfactory legal position, there are operational and procedural disadvantages to the current approach, which limit the flexibility of deployment and potentially undermine the capability.