

CONSULTATION ON LEGISLATIVE CHANGES TO FIREARMS CONTROL



Home Office



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Foreword



Gun crime causes significant and lasting harm to society. Whilst gun crime is a small proportion of all recorded crime, it has a serious impact on the communities affected by it. Those who perpetrate these offences should face tough and appropriate sentences.

The use of illegal firearms is often connected to the kind of gang violence that can wreck whole communities. The majority of criminal incidents involving firearms in the United Kingdom are often perpetrated by young members of local or street crime groups. The fact that gang members carry out half of all shootings in London and that, in 2010/11, 45% of victims of recorded gun crimes were young people demonstrates just how urgent the need for action is.

The United Kingdom has some of the toughest firearms laws in the world, sending a clear message that society will not tolerate gun crime. However I take very seriously the views of the police and ballistics experts that there are a group of offenders who, while not using firearms themselves, are responsible for making them available to other criminals. I believe this warrants us looking at the current legal framework to assess whether we have appropriate and proportionate mechanisms in place for dealing with them.

That is why in our Ending Gang and Youth Violence Report, the Government committed to undertaking further work to assess whether it is necessary and proportionate to introduce changes to legislation in

respect of the criminal supply, possession with intent to supply, and importation of firearms.

Cutting crime, and in particular gun crime, matters to communities. Gun-related crime by its nature can pose a real and imminent threat to life. Death or serious injury are the consequences and human costs of gun crime. Places where crime is tackled effectively are more likely to have thriving economies, and healthier and more cohesive communities. This Government is determined to ensure that the police and the Criminal Justice System have the tools needed to ensure that those who use firearms in acts of criminality, or supply these weapons to criminals, face tough penalties which send a clear message that gun crime will not be tolerated.

This consultation seeks views on whether we need to change existing legislation or sentencing powers. The Government wants to ensure that appropriate offences and sentences are in place to address gun crime and support practitioners in their work. However, we want to ensure that before committing to any action we have correctly identified whether the existing framework is sufficient and if not, what all the relevant issues are.

A handwritten signature in black ink, appearing to read 'Theresa May'.

The Rt Hon Theresa May MP

About this consultation

SCOPE OF THE CONSULTATION

Topic of this consultation:	Proposals on: <ul style="list-style-type: none">• whether to make changes to the current sentencing framework for the illegal importation of firearms.• whether to introduce new firearms legislation targeted at individuals who supply firearms (or possess them with the intent to supply them) to the criminal market and if we do, what would be an appropriate sentence.
Scope of this consultation:	<p>This is a targeted consultation to seek the views of key partners and directly affected parties, including the police, Crown Prosecution Service, victims groups, practitioners, the judiciary, the voluntary and community sector, other government departments, and organisations with a direct interest in proposals to reform firearms legislation. We also invite comments from members of the public.</p> <p>This consultation is available on the Home Office website.</p>
Geographical scope:	England and Wales
Impact assessment:	A consultation stage impact assessment will be available on the Home Office website alongside the consultation document.

BASIC INFORMATION

To:	This consultation is open to the public.
Duration:	12 weeks
Enquiries and Responses:	<p>You can respond to any or all of the sections in the consultation. The closing date for the consultation is 8 May 2012.</p> <p>You can complete the online form at: www.homeoffice.gov.uk/crime/</p> <p>or send your response by post to: Legislative Changes to Firearms Controls Consultation Violent and Youth Crime Prevention Unit 4th Floor Fry Building 2 Marsham Street London SW1P 4DF</p>
Additional ways to become involved:	This will be an online consultation. Please contact the Home Office (as above) if you require information in any other format, such as Braille, large font or audio.
After the consultation:	There will be a response to the consultation. A summary of responses will be placed on the Home Office website.

BACKGROUND

Getting to this stage:	The Home Office has worked closely with key partners, including the UKBA, Ministry of Justice, the Attorney General’s Office, the Association of Chief Police Officers, the National Ballistics Intelligence Service and the Crown Prosecution Service to explore the problems under consideration and to develop proposals.
Previous engagement:	Key partners and practitioners have been consulted informally during the development of this consultation document.

1. Introduction

The use of illegal firearms by urban street gangs and organised criminal groups continues to cause concern, particularly in our larger cities. In 2010, the Home Affairs Select Committee (HASC) conducted an inquiry into Firearms Controls¹. Representatives of the Association of Chief Police Officers Criminal Use of Firearms (ACPO CUF) group and the National Ballistics Intelligence Service (NABIS) gave evidence to the inquiry in November 2010.

They explained that, in their experience, gun crime associated with illegal firearms is typified by a supply-chain involving ‘importers’, ‘middle men’ and those who store guns, to be readily accessible for criminal use. Their evidence suggests that the same firearms are passed between different criminal groups and used in different violent incidents. ACPO argues that, with a limited number of firearms in circulation among criminals in the UK, it is vital that there is a strong deterrent to those involved in the supply chain to reduce the threat of firearms and protect communities².

In their evidence, ACPO and NABIS argued that current legislation and sentencing powers do not adequately punish individuals who import or supply firearms and ammunition to the criminal marketplace. Their view is that the maximum sentence for importation of illegal firearms (currently ten years’ imprisonment) is insufficient. They also argue that while there are offences relating to possession of prohibited firearms, that carry a range of penalties (up to and including life imprisonment), there is no offence that specifically addresses possession with intent to supply (this is currently covered by the offence of possession, purchase, acquisition, manufacture, sale or transfer in section 5 of the Firearms Act 1968 referred to in this paper as the

‘basic possession or transfer offence’). Their view is that this means that prosecutors either charge offenders with the basic possession or transfer offence (with a ten year maximum sentence) or the more serious offence of possession to injure (maximum penalty life in prison) – the elements of which may be difficult to prove.

ACPO and NABIS proposed in their evidence to HASC that two steps should be taken:

- To introduce a new offence of possession of firearms with intent to supply, with a maximum penalty of life; and
- To increase the maximum penalty for illegal importation of prohibited firearms to life.

Following their inquiry, the HASC recommended that the government should **‘introduce new offences for supply and importation of firearms to ensure that those guilty of such offences face appropriate penalties’**.

In response to this recommendation the Government agreed to ‘undertake further scoping work with the Ministry of Justice’³ and in its report ‘Ending Gang and Youth Violence’⁴ published in November 2011, committed to consult ‘on the need for a new offence of possession of illegal firearms with intent to supply, and the penalty level for illegal firearm importation’.

This consultation is the result of that commitment. The Government takes gun crime very seriously and this is why we are seeking views on whether the current framework is adequate, in what ways it could be improved, and whether the ACPO and NABIS proposals, or alternative proposals, are appropriate solutions.

1 House of Commons, Home Affairs Committee, Firearms Control – Third Report of Session 2010-2011
www.publications.parliament.uk/pa/cm201011/cmselect/cmhaff/447/447i.pdf

2 Ibid. Questions 200-237

3 The Government Response to the Third Report from the Home Affairs Committee Session 2010 HC 447 – Firearms Control – Cm 8155

www.official-documents.gov.uk/document/cm81/8155/8155.pdf
4 Ending Gang and Youth Violence: A Cross-Government Report
www.homeoffice.gov.uk/publications/crime/ending-gang-violence/

FACTS AND FIGURES

- In 2009/10, the UK Border Agency made 296 seizures of firearms and stun guns totalling 870 items, and 56 seizures of gun parts and ammunition totalling 3,325 items⁵.
- Firearms (excluding air weapons) were used in fewer than 0.2 per cent of all police recorded offences in 2010/11 (a total of 7,024 recorded firearm offences)⁶.
- The number of recorded offences involving a firearm (excluding air weapons) has fallen by 13%, from 8,051 in 2009/10 to 7,024 in 2010/11⁷.
- However, there were still 58 fatal injuries caused by the use of a firearm (including air weapons) in recorded offences in 2010/11, and 330 serious injuries⁸.
- There were 2,915 robberies involving the use of a firearm (excluding air weapons) in 2010/11. Handguns were used in 63% of these incidents⁹.
- Firearms offences are geographically concentrated in three police force areas: Metropolitan, Greater Manchester and West Midlands accounted for almost two-thirds (63%) of such offences; 59% excluding air weapons¹⁰.
- The proportion of firearm offences recorded in the three police forces decreased by 5 percentage points in relation to 2009/10 – this decrease is due to falls in the number of offences recorded by the Metropolitan Police and Greater Manchester Police¹¹.
- People aged between 15 and 29 years form a disproportionate number of victims – 15 to 29 year olds comprise 20% of the population but were victims in 45% of firearms offences (excluding air weapons) in 2010/11¹².
- The market for firearms is supply driven; even when criminals may desire certain types of firearms, their choice is limited. Single firearms will be hidden or held by associates less likely to attract law enforcement.
- Those at the top of criminal hierarchies tend to keep firearms at a distance, employing ‘enforcers’ who may use firearms in murders, assaults and intimidation related to debt collection.
- Firearms are obtained through criminal networks, cultural connections and from criminal armourers who supply across groups.
- Ballistic evidence from recovered stashes of different types of firearms and ammunition suggest the same weapons were accessed by different, even opposed, crime groups over a wide geographic area and over several years.
- The majority of criminality-linked shooting incidents in the UK can be described as ‘organised in intent, but disorganised in nature’ and are usually perpetrated by young members of local or street crime groups.
- These criminals are involved in many types of criminality, including armed robberies, drug distribution, and kidnap and extortion.
- Criminals continue to exploit vulnerabilities in the legitimate supply chains of firearms, ammunition and parts to and within the UK, and the related legal framework. For example, antique, obsolete and old firearms continue to be recovered from criminals in the UK.
- Premises continue to be identified in which it appears that the conversion of domestically available blank-firing weapons has been attempted or successfully carried out. These vary in sophistication.
- The majority of the types of firearms used by criminals in the UK are re-useable and ballistic evidence shows they are often moved around the country and between different criminal groups and individuals.
- Ballistic evidence continues to link firearms used in shooting incidents around the UK to a criminal firearms conversion enterprise dismantled in 2008.

5 Homicides, Firearm Offences and intimate Violence 2010/11. Home Office Statistical Bulletin.

6 Ibid

7 Ibid

8 Ibid

9 Ibid

10 Ibid

11 Ibid

12 Ibid

2. The current legal position

IMPORTATION OFFENCES

Control of the import of firearms is primarily governed by the **Customs and Excise Management Act (CEMA) 1979**.

Section 50 of the Act provides penalties for the improper importation of goods. Section 170 of the same Act creates a more wide-ranging offence in relation to the fraudulent evasion of duty. These sections apply where the importation of the goods is restricted or prohibited under any enactment and there is an intention to evade the restriction or prohibition.

It is usual practice to deal with smuggling of prohibited goods by charging an offence under section 170 of CEMA, even where the conduct falls within the specific importation offence in section 50 of that Act¹³.

The maximum sentence for an offence under sections 50 or 170 of CEMA is usually an unlimited fine, seven years' imprisonment, or both¹⁴. However, separate provision is made for particular kinds of goods, including firearms and drugs. Where the goods in question are certain weapons subject to the general prohibition under section 5 of the Firearms Act 1968 ('the 1968 Act'), the maximum sentence increases to ten years, an unlimited fine, or both¹⁵. This increase was achieved by amendments made by the Criminal Justice Act 2003. It follows that where the goods are firearms not listed within sections 50(5A) and 170(4A) CEMA, the seven year maximum will apply.

Other prohibited goods can attract higher penalties. For example, the maximum sentence for an offence under sections 50(3) or 170(2) of CEMA committed in relation to a Class A drug is, for a conviction on indictment, life imprisonment, or a penalty of any amount, or both. In relation to a Class B or Class C drug, it is 14 years' imprisonment, or a penalty of any amount, or both.

¹³ The importation of firearms is also restricted under the Import of Goods (Control) Order 1954 (as amended), made under section 1 of the Import, Export and Customs Powers (Defence) Act 1939. This prohibits importation other than in accordance with a licence issued by the Department for Business, Innovation and Skills.

¹⁵ See section 50(4) and 170(3) of the CEMA 1979

¹⁶ See section 50(5A) and 170(4A) of the CEMA 1979

POSSESSION OFFENCES

The possession and use of firearms are controlled by the Firearms Acts 1968 to 1997 and subordinate legislation made under the Acts¹⁶.

Section 1 of the Firearms Act 1968 ('the 1968 Act') prohibits possession of any firearm without a firearm certificate (i.e. 'a lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged') other than a full-length shotgun or an air weapon. Section 2 prohibits the possession of a shotgun without a shotgun certificate. The maximum sentence is a fine, five years' imprisonment or both. This increases to seven years' imprisonment, a fine, or both where the weapon is a sawn-off shotgun or a converted weapon.

Section 3 creates an offence of manufacturing, selling or transferring, or exposing for sale or transfer, or possessing for sale or transfer, any firearm or ammunition to which section 1 applies, or a shotgun, without being registered as a firearms dealer. The maximum sentence is a fine, 5 years' imprisonment, or both. This provision is meant to ensure proper registration by legitimate dealers rather than to address wholly illicit supply between criminals.

Section 5(1) creates an offence of possessing, purchasing, acquiring, manufacturing, selling or transferring, without written Ministerial authority, various items known collectively, by virtue of section 5(2), as prohibited weapons and prohibited ammunition. Section 5(1A) makes similar provision for other specified prohibited weapons and ammunition, the difference being that Ministerial authority is not required in relation to the section 5(1A) weapons and ammunition so long as one of the exemptions in section 5A is made out (for example, they are held as collectors' items in accordance with a valid firearms

¹⁶ The Firearms Act 1968

The Firearms Act 1982

The Firearms (Amendment) Act 1988

The Firearms (Amendment) Act 1992

The Firearms (Amendment) Act 1994

The Firearms (Amendment) Act 1997

The Firearms (Amendment) (No. 2) Act 1997

certificate). The types of weapons prohibited under section 5 include those most desirable to criminals, such as handguns and machine pistols.

These are offences of strict liability. It is necessary for the prosecution to prove only (1) that the item in question was prohibited, and (2) that the defendant dealt with it as described in the section. On the latter point, it must be proved that the defendant knew that he possessed, purchased, etc. the article that turned out to be a prohibited weapon, but it is not necessary to prove that he knew that the article was a weapon, or that it was prohibited.

‘Transfer’ is defined in section 57 as including ‘let on hire, give, lend and part with possession’. The term is sufficiently wide to cover any conceivable criminal act of supplying a firearm.

Under section 51 and Part I of Schedule 6, the maximum sentence for the offences under section 5 is 10 years’ imprisonment. Under section 51A, the offences attract a mandatory minimum sentence of five years (three years in the case of a juvenile) when committed in relation to some, but not all, of the prohibited weapons and ammunition listed in the section, unless there are exceptional circumstances. The maximum sentence for offences under sections 5(1) and 5(1A) is the same regardless of the way the offence is committed.

Section 5(1) and 5(1A) do encompass ‘supply’ but not ‘possession with intent to supply’ – although of course anyone in possession of a firearm with the intention of supplying it will still be able to be prosecuted for the possession offence. This is in contrast to section 3(1), which makes it an offence for a person not registered as a firearms dealer to manufacture, sell or transfer a firearm by way of trade or business, but also makes it an offence for the person to possess a firearm for sale or transfer in the same circumstances.

POSSESSION OF FIREARM WITH INTENT TO ENDANGER LIFE

Section 16 of the 1968 Act creates an offence for a person to have in his possession any firearm or ammunition with intent by means thereof to endanger life or to enable another person by means thereof to endanger life, whether any injury has been caused or not. A person guilty of such an offence is liable on conviction to imprisonment for life or a shorter term, a fine, or to both.

The offence under section 16 of the 1968 Act does not require proof of an immediate or unconditional intent that life should be endangered. It is sufficient if the intent is that the firearm should be used in a manner which endangers life as and when the occasion requires. To establish that the defendant intended to enable another to endanger life by means of the firearm, it is not enough to prove that he intended that another person should be in possession of it in circumstances where the latter had the opportunity to endanger life. ‘To enable another person’ means more than to give him opportunity; it requires the intent that the firearm shall be used in a manner which endangers life as and when the occasion arises.

3. Consultation on whether to introduce new offences for possession with intent to supply firearms and the appropriate penalty for the illegal importation of firearms

RAISING THE PENALTY FOR IMPORTATION OFFENCES

As set out above the current maximum penalty for illegally importing firearms or ammunition under section 170 of the CEMA, is a sentence of ten years' imprisonment. The maximum penalty for committing a firearms offence under section 5 of the Firearms Act 1968 is ten years' imprisonment. The mandatory minimum sentence for those aged 18 and over is five years' imprisonment and three years for those aged 16-17 years unless there are exceptional circumstances.

In their evidence before the Home Affairs Select Committee, ACPO and NABIS argued that the maximum sentence available for firearms or ammunition importation and possession is too lenient as it does not sufficiently address the harm caused by firearms in our communities¹⁷. In their view, the maximum sentences should be brought into line with the same offences relating to importation, possession and supply of Class A drugs which have a maximum sentence, for conviction on indictment, of life imprisonment, or a fine, or both¹⁸.

However, Criminal Justice System data show that it is unusual for an offence under section 170 of the Customs and Excise Management Act 1979 to be given a substantial custodial sentence. This consultation invites views on why this may be the case.

ACPO and NABIS argue that this is because, faced with what they see as inadequate penalties for possession and importation, the police and prosecution are attempting to use section 16 of the Firearms Act 1968. This does carry a maximum life sentence, which arguably better addresses the level of criminality involved in organised firearms trafficking and supply. In practice however, they claim that it is not always possible or easy to make out the elements of the section 16 offence relating

to the intention to endanger life, so cases are then dealt with as possession and importation offences that carry a maximum ten year sentence. If this is the case, however, one would expect to see a number of convictions under the section 170 offence with top end sentences.

Accepting that every case will be dealt with by the court on an individual basis and that interested parties may not be able to comment on individual cases, we would nevertheless welcome any insight that consultees feel able to share with us and that might help us to build a better picture of why prosecutions under the current section 170 offence are not resulting in higher sentences.

We would welcome views on the following:

- Do you think that the current legal framework is sufficient to address the harm caused by the illegal importation of firearms?
- Very few people are currently convicted of an offence under section 170 of CEMA (2 in 2010) and we would welcome views and evidence (where it is possible to obtain and share it) on why this may be happening.
- Criminal Justice System data show that successful prosecutions for the offence under section 170 of CEMA are rare, and convictions for this offence are not being given a custodial sentence towards the higher end of the penalty available. Why do you think this is? Do you think that this suggests that the current sentencing powers for this offence are sufficient? Please provide evidence.
- Do you think that section 170 of CEMA is being used appropriately and effectively to prosecute people who illegally import firearms or do you think other offences are being used instead? Please provide details, including what other offences are used and why you think this may be happening.

17 House of Commons, Home Affairs Committee, Firearms Control – Third Report of Session 2010-2011-Questions 200-237
<http://www.publications.parliament.uk/pa/cm201011/cmselect/cmhaff/447/447i.pdf>

18 Sections 4(3), 5(3) and Schedule 4 to the Misuse of Drugs Act 1971

- Currently the importation of firearms is treated less seriously (in as much as the maximum penalty for the offence is less) than being in possession of a firearm with the intention of endangering life or the intention of enabling another person to endanger life. Do you agree with this? Please explain.
- Do you agree or disagree with the HASC recommendation that the maximum sentence for an offence of illegal importation/exportation of firearms (and ammunition) should be increased? Please explain your answer. What do you think the new maximum sentence should be and explain why?

CREATION OF A NEW OFFENCE

ACPO and NABIS argue that an offence under section 16 of the 1968 Act is not easy to prove, even though the evidence of trafficking or supply may itself be overwhelming, because the defendant must be shown to have the gun or ammunition in their possession with intent to endanger life or intent to enable another person to endanger life.

They cite the following cases to illustrate the problems involved:

In ‘R-v-Jones (Ivor) and Others [1997] QB 798’, four defendants were convicted of conspiracy to possess firearms and ammunition with intent to enable another person to endanger life contrary to section 16 of the 1968 Act. The prosecution’s case at trial was that these four defendants were involved in possession and distribution of up to 260 handguns, and that some of these guns were provided to or ended up in the hands of criminals.

The judge at the original trial directed the jury that (provided they were satisfied that the defendants were in possession of firearms intending to supply to persons who were in fact criminals) that meant, as a matter of law, that they were in possession of the firearms with intent to enable others to endanger life.

This verdict was appealed and the Court of Appeal found that regard needed to be had to the phrase ‘with intent to enable another person to endanger life’, rather than placing the emphasis on ‘to enable’. It was for the jury to decide whether, on the facts of a particular case, the necessary intent could be drawn. On this basis, the Court of Appeal ruled that the judge misdirected the jury and the convictions were quashed.

This case demonstrates the intent required to prove an offence under section 16 of the 1968 Act. ACPO Criminal Use of Firearms Group (CUF) have argued that had it been possible to charge the defendants with a simple trafficking-type offence with an appropriate penalty, these individuals would not have had their convictions overturned.

In ‘R-v – Mitchell Greenwood and Another 2005 EWCA Crim 2686’, the two defendants were convicted by a jury in the Crown Court under section 4(3) of the Firearms Act 1968 of a conspiracy to convert firearms. The defendants habitually sold deactivated weapons and told the purchasers how to reactivate them. On some occasions, the defendants provided them with the parts which had been removed, or with what was in effect a kit to enable them to undertake the reactivation. There was evidence before the court that they were responsible for putting in circulation a total of at least 450 firearms, including not only pistols but also assault rifles and sub-machine guns. In over 50 cases, weapons which had passed through the hands of the defendants in a deactivated form had subsequently turned up in criminal hands. Two of the weapons had been used to commit murder and a number of others had been used to commit robbery.

The defendants were charged with a conspiracy to convert firearms under section 4(3) of the Firearms Act 1968 and each sentenced to the then maximum available term for that offence – five years’ imprisonment¹⁹.

¹⁹ The maximum term of imprisonment is now seven years. This was raised by section 157(3) and Part III of Schedule 8 of the Criminal Justice and Public Order Act 1994. The change came into effect on 3 February 1995.

In ‘R v Peter Ralphs [2009] EWCA Crim 2555’, an individual was found in possession of two handguns and a variety of ammunition suitable for the two weapons of the especially dangerous ‘expanding’ variety. He was charged, inter alia, with offences contrary to section 5 of the 1968 Act, punishable by a maximum of ten years imprisonment. He was sentenced to six years’ imprisonment.

The Attorney General referred the sentences back to the Court of Appeal on the basis that they were unduly lenient. It was argued on behalf of the Attorney General that the sentence should have been in double figures, which, if correct, required that consecutive sentences should have been passed.

The Court of Appeal agreed that the sentence was unduly lenient, but the Lord Chief Justice rejected the invitation to impose consecutive sentences. He stated that, in the narrow range of available sentencing powers, they were in reality being invited to circumvent the statutory maximum sentences on the basis that they believed them to be too low. The Lord Chief Justice added that in order to do so they would have to disapply well understood sentencing provisions. In their view: ‘Tempting as it is to do so, that is a step too far.’

The Court found that the sentence was unduly lenient and, notwithstanding the constraints on sentencing powers, they increased the sentence from one of six years’ imprisonment to one of eight years’ imprisonment.

In ‘R v Wilkinson [2009] EWCA Crim1925’ the Lord Chief Justice suggested that the offence of importing firearms, or being in possession of firearms with intent to supply them, was as serious as the importation of drugs with the intent to supply and the availability of a discretionary life sentence should not be dependent on proof of the specific intent to endanger life required by section 16 of the Firearms Act. If the offender had been in possession of Class A drugs with intent to supply them, instead of firearms with such intent, he would have been liable to a maximum sentence of life imprisonment. The Lord Chief Justice concluded that

the problem must be addressed by legislation. Citing this case, the Court repeated its comments commented in ‘Ralphs’.

The Government accepts that while there are a range of existing offences, none deal specifically with possession with intent to supply illegal firearms.

While it has been argued that a new offence of possession with intent to supply should be created, this may not be the only option to address the concerns identified by ACPO CUF and NABIS. For example, another option might be to divide the section 5 offence into two offences. The less serious of these offences could encompass the elements of basic possession. The more serious offence could include the sale or transfer of firearms (i.e. supply) as well as being extended to include possession with intent to supply. The two offences would then carry different maximum sentences. This could be achieved by reducing the maximum sentence for possession (to, for example, seven years) and raising the sentence for supply and intent to supply to a higher maximum, for example 14 years or life.

We would welcome the views of consultees. In particular:

- Do you think that the current legal framework is sufficient to address the harm caused by illegal possession of firearms with intent to supply? Please explain your answer.
- Do you think people in illegal possession of firearms who have the intention to supply them are sometimes prosecuted under the section 5 of the Firearms Act 1968 offence instead of the section 16 offence? If so, do you think this causes any practical difficulties? Please explain why.
- Do you agree or disagree with the HASC recommendation that a new offence of possession of illegal firearms with intent to supply is needed and should be introduced? Please provide reasons including whether cases are currently resulting in convictions for other offence/s.

- If so, what do you think the prosecution should have to prove the defendant did in order to secure a conviction?
- What do you think that the maximum penalty for a new offence of 'possession of illegal firearms with intent to supply' should be and why?

4. Summary and questions on the proposal

The Government feels very strongly that importation and supply of illegal firearms and ammunition endanger lives and harm communities.

As this consultation paper sets out, ACPO CUF and NABIS have argued that legislation should provide sentences for these acts of criminality that reflect the level of criminality involved and the damage done to communities by gun crime. They argue that difficulties with section 16 of the Firearms Act 1968 mean that investigators and prosecutors are downgrading charges to section 5, leading to lenient sentences.

They argue that charging individuals caught in possession of multiple firearms under section 5 of the Firearms Act 1968, which has a maximum sentence of 10 years, does not reflect the seriousness of the crime.

It has therefore been proposed that changes to legislation are needed, so individuals caught illegally importing or in possession with intent to supply illegal firearms or ammunition face a maximum sentence of life in prison for the importation and supply offences themselves.

The Government wants to ensure that appropriate offences and sentences are in place to address gun crime and support practitioners in their work. However, we want to ensure that, before committing to any action, we have correctly identified all the relevant issues. In responding to those issues we must also ensure that we adopt an approach that is fair, proportionate and mindful of our duties under the Equality Act 2010.

To that end this consultation seeks views on whether there is a need for new legislation or sentencing powers. We would also welcome views on what would be proportionate and whether there are any additional issues that we should be considering when looking at this area of law.

A) IMPORTATION OFFENCES

HASC made a recommendation to ‘introduce new offences for importation of firearms to ensure that those guilty of such offences face appropriate penalties.’

Do you think that the current legal framework is sufficient to address the harm caused by illegal importation of firearms? Please explain your answer.

Very few people are currently convicted of an offence under the section 170 of CEMA (2 in 2010) and we would welcome views and evidence (where it is possible to obtain and share it) on why this may be happening.

Criminal Justice System data show that it is unusual for an offence under section 170 of the Customs and Excise Management Act 1979 to be given a substantial custodial sentence. Why do you think this is? Do you think that this suggests that the current sentencing powers for this offence are sufficient? Please provide evidence.

Do you think that section 170 of CEMA is being used appropriately and effectively to prosecute people who illegally import firearms or do you think other offences are being used instead? Please provide details, including what other offences are used and why you think this may be happening.

Currently the importation of firearms is treated less seriously (in as much as the maximum penalty for the offence is less) than a person who is convicted of being in possession of a firearm with the intention of endangering life or the intention of enabling another person to endanger life. Do you agree with this? Please explain.

Do you agree or disagree with the HASC recommendation that the maximum sentence for an offence of illegal importation/exportation of firearms (and ammunition) should be increased? Please explain your answer. What do you think the new maximum sentence should be and explain why?

B) POSSESSION OFFENCES

HASC made a recommendation to ‘introduce new offences for supply of firearms to ensure that those guilty of such offences face appropriate penalties.’

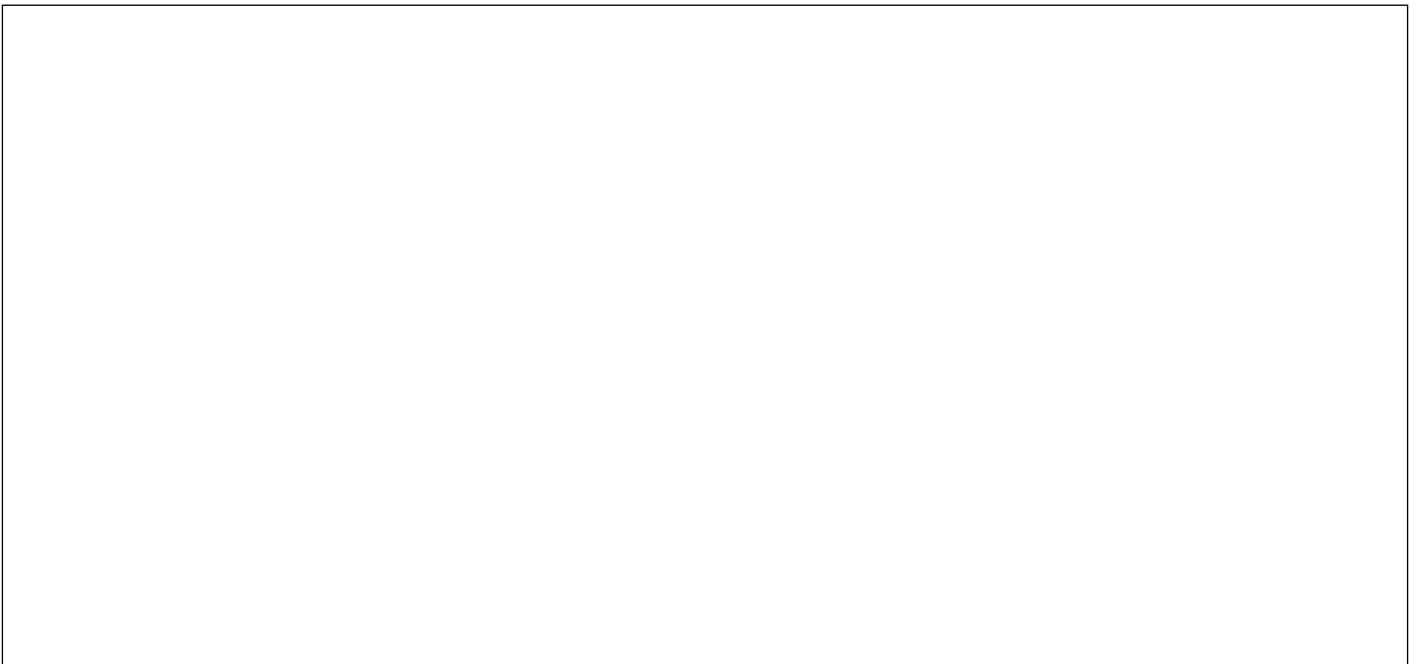
Do you think that the current legal framework is sufficient to address the harm caused by illegal importation of firearms? Please explain your answer.

Do you think people in illegal possession of firearms who have the intention to supply them are sometimes prosecuted under section 5 of the Firearms Act 1968 instead of under section 16? If so, do you think this causes any practical difficulties? Please explain why.

Do you agree or disagree with the HASC recommendation that a new offence of possession of illegal firearms with intent to supply is needed and should be introduced? Please provide reasons including whether cases are currently resulting in convictions for other offence/s.

If so, what do you think the prosecution should have to prove the defendant did in order to secure a conviction?

What do you think that the maximum sentence for a new offence of ‘possession of illegal firearms with intent to supply’ should be and why?



We would welcome further evidence or views on the case for or against the proposed changes set out above. Please attach any additional material to your response.

5. Tables

Number of defendants sentenced to immediate custody, by sentence length, for offences under section 170 of Customs and Excise Management Act 1979, England and Wales, 2006 to 2010^{1,2,3}

Statute	Section	Description	length of sentence										life			
			Immediate custody	6 months and under	over 6 months and up to 1 year	over 1 year up to 2 years	over 2 years up to 3 years	over 3 years up to 4 years	over 4 years up to 5 years	over 5 years up to 7 years	over 7 years up to 10 years					
Customs and Excise Management Act 1979	S.170	Fraudulent evasion of duty – an offence in connection with a prohibition or restriction on the importation or exportation of any weapon or ammunition of a kind mentioned in S.5(1) (a), (ab), (aba), (ac), (ad), (ae) (af) or (c) of Firearms Act 1968	6	3	2	—	1	—	—	—	—	—	—	—	—	
			2006													
			2	2	—	—	—	—	—	—	—	—	—	—	—	—
			2007													
			1	—	—	—	—	—	—	1	—	—	—	—	—	—
			2008													
			2009													
			1	—	—	—	—	—	—	—	—	1	—	—	—	—
			2010													
			2	—	—	—	—	—	—	—	—	—	1	—	1	—

1 The figures given in the table on court proceedings relate to persons for whom these offences were the principal offences for which they were dealt with. When a defendant has been found guilty of two or more offences it is the offence for which the heaviest penalty is imposed. Where the same disposal is imposed for two or more offences, the offence selected is the offence for which the statutory maximum penalty is the most severe.

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Excludes data for Cardiff magistrates' court for April, July and August 2008.

Source: Justice Statistics Analytical Services – Ministry of Justice.
[Ref: IOS 566-1.1]

Number of defendants sentenced to immediate custody, by sentence length, under the Firearms Act 1968 sections 5 & 16, England and Wales, 2006 to 2010^{1 2 3}

2006														
Statute	Section	Description	Immediate custody	length of sentence										Indeterminate sentences ⁴
				6 months and under	over 6 months and up to 1 year	over 1 year up to 2 years	over 2 years up to 3 years	over 3 years up to 4 years	over 4 years up to 5 years	over 5 years up to 7 years	over 7 years up to 10 years	over 10 years, but under life		
081/17 Firearms Act 1968	5(1)(a)(ab)(aba)(ac)(ad)(ae)(df)(c)	Possessing or distributing prohibited weapons or ammunition (Group 1)	212	5	6	19	27	16	109	26	2	–	2	
081/70 Firearms Act 1968	5 (1) (b)	Possessing or distributing prohibited weapons designed for discharge of noxious liquid etc. (Group I)	88	66	9	6	2	1	4	–	–	–	–	
081/71 Firearms Act 1968	5(1A)(a)	Possessing or distributing firearm disguised as other object (Group I)	–	–	–	–	–	–	–	–	–	–	–	
081/72 Firearms Act 1968	5(1a)(b)(c)(d)(e)(f)(g)	Possessing or distributing other prohibited weapons	2	–	1	1	–	–	–	–	–	–	–	
115/18 Firearms Act 1968	5(5)	Failure of an individual to comply with any condition of an authority vested in him (Group I)	–	–	–	–	–	–	–	–	–	–	–	
115/19 Firearms Act 1968	5(6)	Non-compliance to surrender an authority (Group I)	–	–	–	–	–	–	–	–	–	–	–	
008/23 Firearms Act 1968	16A	Possession of a firearm or imitation firearm with intent to cause fear of violence (Group I)	200	13	37	79	31	12	6	3	1	–	18	
008/24 Firearms Act 1968	16A	Possession of a firearm or imitation firearm with intent to cause fear of violence (Group II)	4	–	1	1	1	–	–	–	–	–	1	
008/25 Firearms Act 1968	16A	Possession of a firearm or imitation firearm with intent to cause fear of violence (Group III)	7	2	2	3	–	–	–	–	–	–	–	
005/14 Firearms Act 1968	16	Possession of firearm with intent to endanger life (Group I)	33	–	3	2	1	–	4	5	5	–	13	
005/15 Firearms Act 1968	16	Possession of firearm with intent to endanger life (Group II)	3	–	–	–	–	–	–	–	–	–	–	
005/16 Firearms Act 1968	16	Possession of firearm with intent to endanger life (Group III)	1	1	–	–	–	–	–	–	–	–	–	
Total Firearms Act 1968 s.5 & s.16			550	87	59	111	62	29	123	34	9	2	34	

- The figures given in the table on court proceedings relate to persons for whom these offences were the principal offences for which they were dealt with. When a defendant has been found guilty of two or more offences it is the offence for which the heaviest penalty is imposed. Where the same disposal is imposed for two or more offences, the offence selected is the offence for which the statutory maximum penalty is the most severe.
- Every effort is made to ensure that the figures presented are accurate and complete. However, it is important to note that these data have been extracted from large administrative data systems

generated by the courts and police forces. As a consequence, care should be taken to ensure data collection processes and their inevitable limitations are taken into account when those data are used.

3 Excludes data for Cardiff magistrates' court for April, July and August 2008.

4 Indeterminate sentences includes both life sentences and indeterminate sentences for Public Protection.

Source: Justice Statistics Analytical Services – Ministry of Justice
[Ref: IOS 599-11]

Number of defendants sentenced to immediate custody, by sentence length, under the Firearms Act 1968 sections 5 & 16, England and Wales, 2006 to 2010^{1 2 3} continued

2007														
Statute	Section	Description	Immediate custody	length of sentence										Indeterminate sentences ⁴
				6 months and under	over 6 months and up to 1 year	over 1 year up to 2 years	over 2 years up to 3 years	over 3 years up to 4 years	over 4 years up to 5 years	over 5 years up to 7 years	over 7 years up to 10 years	over 10 years, but under life		
O81/17 Firearms Act 1968	5(1)(a)(ab)(aba)(ac)(ad)(ae)(af)(c)	Possessing or distributing prohibited weapons or ammunition (Group 1)	208	5	14	9	20	16	114	20	9	–	1	
O81/70 Firearms Act 1968	5 (1) (b)	Possessing or distributing prohibited weapons designed for discharge of noxious liquid etc. (Group I)	115	75	17	12	6	1	4	–	–	–	–	
O81/71 Firearms Act 1968	5(1A)(a)	Possessing or distributing firearm disguised as other object (Group I)	2	–	–	–	–	1	1	–	–	–	–	
O81/72 Firearms Act 1968	5(1a)(b)(c)(d)(e)(f)(g)	Possessing or distributing other prohibited weapons	8	1	1	2	1	2	–	–	1	–	–	
115/18 Firearms Act 1968	5(5)	Failure of an individual to comply with any condition of an authority vested in him (Group I)	–	–	–	–	–	–	–	–	–	–	–	
115/19 Firearms Act 1968	5(6)	Non-compliance to surrender an authority (Group I)	–	–	–	–	–	–	–	–	–	–	–	
O08/23 Firearms Act 1968	16A	Possession of a firearm or imitation firearm with intent to cause fear of violence (Group I)	194	19	38	69	18	12	11	3	3	–	21	
O08/24 Firearms Act 1968	16A	Possession of a firearm or imitation firearm with intent to cause fear of violence (Group II)	3	–	–	2	–	–	–	1	–	–	–	
O08/25 Firearms Act 1968	16A	Possession of a firearm or imitation firearm with intent to cause fear of violence (Group III)	11	1	3	3	2	2	–	–	–	–	–	
O05/14 Firearms Act 1968	16	Possession of firearm with intent to endanger life (Group I)	39	2	1	4	1	1	5	2	6	5	12	
O05/15 Firearms Act 1968	16	Possession of firearm with intent to endanger life (Group II)	1	–	–	–	–	–	–	–	–	1	–	
O05/16 Firearms Act 1968	16	Possession of firearm with intent to endanger life (Group III)	1	–	–	–	–	–	–	–	–	1	–	
Total Firearms Act 1968 s.5 & s.16			582	103	74	101	48	35	135	26	19	7	34	

1 The figures given in the table on court proceedings relate to persons for whom these offences were the principal offences for which they were dealt with. When a defendant has been found guilty of two or more offences it is the offence for which the heaviest penalty is imposed. Where the same disposal is imposed for two or more offences, the offence selected is the offence for which the statutory maximum penalty is the most severe.

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generated by the courts and police forces. As a consequence, care should be taken to ensure data collection processes and their inevitable limitations are taken into account when those data are used.

3 Excludes data for Cardiff magistrates' court for April, July and August 2008.

4 Indeterminate sentences includes both life sentences and indeterminate sentences for Public Protection.

Source: Justice Statistics Analytical Services – Ministry of Justice
[Ref: IOS 599-11]

Number of defendants sentenced to immediate custody, by sentence length, under the Firearms Act 1968 sections 5 & 16, England and Wales, 2006 to 2010^{1 2 3} continued

2008													
Statute	Section	Description	Immediate custody	length of sentence									
				6 months and under	over 6 months and up to 1 year	over 1 year up to 2 years	over 2 years up to 3 years	over 3 years up to 4 years	over 4 years up to 5 years	over 5 years up to 7 years	over 7 years up to 10 years	over 10 years, but under life	Indeterminate sentences ⁴
O81/17 Firearms Act 1968	5(1)(a)(ab)(aba)(ac)(ad)(ae)(df)(c)	Possessing or distributing prohibited weapons or ammunition (Group 1)	307	3	8	26	25	22	155	57	10	-	1
O81/70 Firearms Act 1968	5 (1) (b)	Possessing or distributing prohibited weapons designed for discharge of noxious liquid etc. (Group I)	98	63	21	3	3	1	3	2	1	-	1
O81/71 Firearms Act 1968	5(1A)(a)	Possessing or distributing firearm disguised as other object (Group I)	1	-	-	-	-	-	1	-	-	-	-
O81/72 Firearms Act 1968	5(1a)(b)(c)(d)(e)(f)(g)	Possessing or distributing other prohibited weapons	24	1	-	3	1	1	14	4	-	-	-
115/18 Firearms Act 1968	5(5)	Failure of an individual to comply with any condition of an authority vested in him (Group I)	-	-	-	-	-	-	-	-	-	-	-
115/19 Firearms Act 1968	5(6)	Non-compliance to surrender an authority (Group I)	-	-	-	-	-	-	-	-	-	-	-
O08/23 Firearms Act 1968	16A	Possession of a firearm or imitation firearm with intent to cause fear of violence (Group I)	232	14	62	82	24	18	12	7	2	-	11
O08/24 Firearms Act 1968	16A	Possession of a firearm or imitation firearm with intent to cause fear of violence (Group II)	5	-	-	-	-	-	3	2	-	-	-
O08/25 Firearms Act 1968	16A	Possession of a firearm or imitation firearm with intent to cause fear of violence (Group III)	8	1	4	1	-	-	-	-	-	-	2
O05/14 Firearms Act 1968	16	Possession of firearm with intent to endanger life (Group I)	56	-	4	1	3	2	4	4	14	6	18
O05/15 Firearms Act 1968	16	Possession of firearm with intent to endanger life (Group II)	4	-	-	-	-	1	-	3	-	-	-
O05/16 Firearms Act 1968	16	Possession of firearm with intent to endanger life (Group III)	1	-	1	-	-	-	-	-	-	-	-
Total Firearms Act 1968 s.5 & s.16			736	82	100	116	56	45	192	79	27	6	33

1 The figures given in the table on court proceedings relate to persons for whom these offences were the principal offences for which they were dealt with. When a defendant has been found guilty of two or more offences it is the offence for which the heaviest penalty is imposed. Where the same disposal is imposed for two or more offences, the offence selected is the offence for which the statutory maximum penalty is the most severe.

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generated by the courts and police forces. As a consequence, care should be taken to ensure data collection processes and their inevitable limitations are taken into account when those data are used.

3 Excludes data for Cardiff magistrates' court for April, July and August 2008.

4 Indeterminate sentences includes both life sentences and indeterminate sentences for Public Protection.

Source: Justice Statistics Analytical Services – Ministry of Justice
[Ref: IOS 599-11]

Number of defendants sentenced to immediate custody, by sentence length, under the Firearms Act 1968 sections 5 & 16, England and Wales, 2006 to 2010^{1 2 3} continued

2009													
Statute	Section	Description	Immediate custody	length of sentence								over 10 years, but under life	indeterminate sentences ⁴
				6 months and under	over 6 months and up to 1 year	over 1 year up to 2 years	over 2 years up to 3 years	over 3 years up to 4 years	over 4 years up to 5 years	over 5 years up to 7 years	over 7 years up to 10 years		
081/17 Firearms Act 1968	5(1)(a)(ab)(aba)(ac)(ad)(ae)(df)(c)	Possessing or distributing prohibited weapons or ammunition (Group 1)	318	7	11	25	46	19	141	55	14	-	-
081/70 Firearms Act 1968	5 (1) (b)	Possessing or distributing prohibited weapons designed for discharge of noxious liquid etc. (Group I)	95	58	19	10	4	2	2	-	-	-	-
081/71 Firearms Act 1968	5(1A)(a)	Possessing or distributing firearm disguised as other object (Group I)	1	-	-	-	1	-	-	-	-	-	-
081/72 Firearms Act 1968	5(1a)(b)(c)(d)(e)(f)(g)	Possessing or distributing other prohibited weapons	21	1	2	1	3	-	9	5	-	-	-
115/18 Firearms Act 1968	5(5)	Failure of an individual to comply with any condition of an authority vested in him (Group I)	-	-	-	-	-	-	-	-	-	-	-
115/19 Firearms Act 1968	5(6)	Non-compliance to surrender an authority (Group I)	-	-	-	-	-	-	-	-	-	-	-
008/23 Firearms Act 1968	16A	Possession of a firearm or imitation firearm with intent to cause fear of violence (Group I)	182	8	43	59	39	8	11	8	1	-	5
008/24 Firearms Act 1968	16A	Possession of a firearm or imitation firearm with intent to cause fear of violence (Group II)	1	-	1	-	-	-	-	-	-	-	-
008/25 Firearms Act 1968	16A	Possession of a firearm or imitation firearm with intent to cause fear of violence (Group III)	4	-	2	-	1	-	1	-	-	-	-
005/14 Firearms Act 1968	16	Possession of firearm with intent to endanger life (Group I)	47	-	1	2	3	-	2	8	11	7	13
005/15 Firearms Act 1968	16	Possession of firearm with intent to endanger life (Group II)	1	-	-	-	-	-	-	-	1	-	-
005/16 Firearms Act 1968	16	Possession of firearm with intent to endanger life (Group III)	-	-	-	-	-	-	-	-	-	-	-
Total Firearms Act 1968 s.5 & s.16			670	74	79	97	97	29	166	76	27	7	18

- The figures given in the table on court proceedings relate to persons for whom these offences were the principal offences for which they were dealt with. When a defendant has been found guilty of two or more offences it is the offence for which the heaviest penalty is imposed. Where the same disposal is imposed for two or more offences, the offence selected is the offence for which the statutory maximum penalty is the most severe.
- Every effort is made to ensure that the figures presented are accurate and complete. However, it is important to note that these data have been extracted from large administrative data systems

generated by the courts and police forces. As a consequence, care should be taken to ensure data collection processes and their inevitable limitations are taken into account when those data are used.

3 Excludes data for Cardiff magistrates' court for April, July and August 2008.

4 Indeterminate sentences includes both life sentences and indeterminate sentences for Public Protection.

Source: Justice Statistics Analytical Services – Ministry of Justice
[Ref: IOS 599-11]

Number of defendants sentenced to immediate custody, by sentence length, under the Firearms Act 1968 sections 5 & 16, England and Wales, 2006 to 2010^{1 2 3} continued

2010													
Statute	Section	Description	Immediate custody	length of sentence								over 10 years, but under life	indefinite sentences ⁴
				6 months and under	over 6 months and up to 1 year	over 1 year up to 2 years	over 2 years up to 3 years	over 3 years up to 4 years	over 4 years up to 5 years	over 5 years up to 7 years	over 7 years up to 10 years		
081/17 Firearms Act 1968	5(1)(a)(ab)(aba)(ac)(ad)(ae)(df)(c)	Possessing or distributing prohibited weapons or ammunition (Group 1)	268	4	15	30	29	11	129	37	12	1	
081/70 Firearms Act 1968	5 (1) (b)	Possessing or distributing prohibited weapons designed for discharge of noxious liquid etc. (Group I)	73	49	13	10	1	-	-	-	-	-	
081/71 Firearms Act 1968	5(1A)(a)	Possessing or distributing firearm disguised as other object (Group I)	-	-	-	-	-	-	-	-	-	-	
081/72 Firearms Act 1968	5(1a)(b)(c)(d)(e)(f)(g)	Possessing or distributing other prohibited weapons	16	3	1	2	2	-	5	1	2	-	
115/18 Firearms Act 1968	5(5)	Failure of an individual to comply with any condition of an authority vested in him (Group I)	-	-	-	-	-	-	-	-	-	-	
115/19 Firearms Act 1968	5(6)	Non-compliance to surrender an authority (Group I)	-	-	-	-	-	-	-	-	-	-	
008/23 Firearms Act 1968	16A	Possession of a firearm or imitation firearm with intent to cause fear of violence (Group I)	193	5	44	70	21	16	16	9	5	7	
008/24 Firearms Act 1968	16A	Possession of a firearm or imitation firearm with intent to cause fear of violence (Group II)	5	-	-	-	-	1	2	2	-	-	
008/25 Firearms Act 1968	16A	Possession of a firearm or imitation firearm with intent to cause fear of violence (Group III)	2	-	1	1	-	-	-	-	-	-	
005/14 Firearms Act 1968	16	Possession of firearm with intent to endanger life (Group I)	45	-	-	3	2	-	2	10	6	15	
005/15 Firearms Act 1968	16	Possession of firearm with intent to endanger life (Group II)	6	-	-	-	-	-	-	3	1	1	
005/16 Firearms Act 1968	16	Possession of firearm with intent to endanger life (Group III)	-	-	-	-	-	-	-	-	-	-	
Total Firearms Act 1968 s.5 & s.16			608	61	74	116	55	28	154	62	26	8	24

- The figures given in the table on court proceedings relate to persons for whom these offences were the principal offences for which they were dealt with. When a defendant has been found guilty of two or more offences it is the offence for which the heaviest penalty is imposed. Where the same disposal is imposed for two or more offences, the offence selected is the offence for which the statutory maximum penalty is the most severe.
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4 Indeterminate sentences includes both life sentences and indeterminate sentences for Public Protection.

Source: Justice Statistics Analytical Services – Ministry of Justice
[Ref: IOS 599-11]

6. Timescales/next steps

You can respond to any or all of the sections in the consultation. The closing date for all three parts of the consultation is 8 May 2012.

You can complete the online form at:

**[www.homeofficesurveys.homeoffice.gov.uk/
v.asp?i=46612neufh](http://www.homeofficesurveys.homeoffice.gov.uk/v.asp?i=46612neufh)**

or send your responses by post to:

Legislative Changes to Firearms Controls Consultation
Violent and Youth Crime Prevention Unit
4th Floor Fry Building
2 Marsham Street
London
SW1P 4DF

A summary of responses will be published on the Home Office website following completion of the consultation period.

Subject to the outcome of the consultation, we will assess whether there is a need for the proposed legislative changes and we will publish our conclusion on the website.

7. Consultation information

CONFIDENTIALITY AND DISCLAIMER

The information you send us may be passed to colleagues within the Home Office, government or related agencies.

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 [FOIA], the Data Protection Act 1998 [DPA] and the Environmental Information Regulations 2004).

If you want other information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data in accordance with the DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.'

GOVERNMENT'S CODE OF PRACTICE ON CONSULTATION

This is a targeted consultation but as far as possible the Consultation follows the Code of Practice on Consultation – the criteria for which are set out below:

Criterion 1 – When to consult

Formal consultation should take place at a stage when there is scope to influence the policy outcome.

Criterion 2 – Duration of consultation exercises

Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.

Criterion 3 – Clarity of scope and impact

Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.

Criterion 4 – Accessibility of consultation exercises

Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.

Criterion 5 – The burden of consultation

Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.

Criterion 6 – Responsiveness of consultation exercises

Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.

Criterion 7 – Capacity to consult

Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

The full Code of Practice on Consultation is available at: <http://www.bis.gov.uk/policies/better-regulation/consultation-guidance>

CONSULTATION CO-ORDINATOR

If you have a complaint or comment about the Home Office's approach to consultation, you should contact the Home Office Consultation Co-ordinator, Adam McArdle. Please DO NOT send your response to this consultation to Adam McArdle. The Co-ordinator works to promote best practice standards set by the Code of Practice, advises policy teams on how to conduct consultations and investigates complaints made against the Home Office.

He does not process your response to this consultation.

The Co-ordinator can be emailed at:

Adam.McArdle2@homeoffice.gsi.gov.uk

or alternatively write to him at:

Adam McArdle, Consultation Co-ordinator
Home Office
Performance and Delivery Unit
Better Regulation Team
3rd Floor Seacole
2 Marsham Street
London
SW1P 4DF

8. About you

What region are you in? (tick one)

- North East
- North West
- Yorkshire/Humberside
- East Midlands
- West Midlands
- Wales
- East Anglia
- South West
- South East
- Greater London

Are you responding on behalf of an organisation or as a member of the public? (tick one)

- On behalf of an organisation
- As a member of the public

Which of the following best describes you/your organisation (tick one)

- Police
- Crown Prosecution Service
- Victims Group
- Judiciary
- Local authority / Local government / Local council
- Community Safety Partnership
- Charitable and voluntary sector
- Other Government Departments. (Please specify which department)
- Other

How did you hear about this consultation? (tick one)

- Word of mouth
- Article in national press
- Article in local press
- Article in the Crime and Policing Policy News Update
- TV or radio
- Face to face meeting
- Home Office website
- Directgov website
- Other (please specify below)



Home Office

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