

Policing and Crime Bill

Firearms - statutory guidance and licensing fees

Background

Guidance

1. The Home Office currently produces guidance explaining how the police should carry out their firearms licensing duties¹. In particular, this guidance covers the process and criteria for assessing which individuals may be granted a firearms or shotgun licence by the police. For example, farmers might apply for a licence for vermin control, or recreational shooters for target shooting. Currently, this guidance is non-statutory, which means there is no legal obligation for police forces to follow it.
2. Guidance helps ensure the right balance is struck between public safety and the rights of the prospective licence holder when the police make decisions about firearms licences. It covers important issues, for example checks to be made against an applicants' medical history, and the Government's policy that evidence of domestic violence should usually prevent a firearms licence from being held.
3. In 2015, Her Majesty's Inspectorate of Constabulary (HMIC) carried out an inspection of police firearms licensing. Their report, published in September 2015², found that police forces frequently did not follow the guidance, resulting in inconsistent application of the law in different police force areas. HMIC also identified some examples where failure to follow guidance had resulted in risks to public safety or unfair treatment of licence holders.

Fees

4. 'Prohibited weapons' are those not typically permitted for civilian use, including hand guns, automatic firearms, missiles and rockets, and are listed in section 5 of the Firearms Act 1968 ("the 1968 Act"). The Home Office (and the Scottish Government) license a range of companies that have a legitimate reason to use prohibited weapons as part of their business, for example arms manufacturers, other defence companies and transport companies supplying police or military forces in the UK or abroad. Prohibited weapons licences are currently provided free of charge, and are fully subsidised by the taxpayer.
5. The Home Office (and the Scottish Government) also issue firearms licences to museums with firearms collections (which may include prohibited weapons) and to shooting clubs, to allow members without an individual certificate to shoot using club weapons. A small fee (£84 for clubs and £200 for museums) is already charged for these licences, but fees were last increased in 1995. The majority of the cost is subsidised by the taxpayer.

¹ Available at <https://www.gov.uk/government/publications/firearms-law-guidance-to-the-police-2012>

² <https://www.justiceinspectorates.gov.uk/hmic/publications/targeting-the-risk/>

6. We estimate the cost to the taxpayer of providing these licensing services to be approximately £700,000 per year at present. Usually, the cost of a licensing service is paid for by the licence holders, rather than the taxpayer.

Introducing statutory guidance

7. The Bill amends the 1968 Act to give the Home Secretary a power to issue statutory guidance to chief officers of police on their firearms licensing functions. Chief officers in England, Wales and Scotland will be under a legal obligation to take account of the guidance when carrying these out.
8. Placing this obligation on chief officers will provide certainty that the Government's policies on firearms licensing are being followed, and ensure consistent application of the law by police forces.
9. The new statutory guidance will be developed with input from the police and other interested groups over the coming months, to come into force as soon as possible following enactment of the Bill. At this stage, the Government envisages it focussing on the process and criteria for assessing suitability for firearm and shotgun licences. However, other matters relating to the police's firearms licensing functions could also be included.
10. The UK has some of the strongest gun control laws in the world, and as a result deaths from licensed firearms are rare. To ensure that this remains the case, the Government keeps the system under constant review. The proposed change aims to ensure that the highest standards of public safety are maintained, and that the licensing system is fair to the vast majority of responsible, law-abiding gun owners.

Amending licensing fees

11. The Bill amends the 1968 Act to introduce a power allowing fees to be charged for prohibited weapons licences issued by the Home Office and Scottish Government.
12. The Bill also amends the existing charging powers under the Firearms (Amendment) Act 1988 for shooting clubs and museums to increase their flexibility, so that fees can be set at different levels for different services or for different sizes of organisation, in line with the cost of providing the service.
13. Together, these new powers will allow a consistent charging regime to be set for all firearms licences issued by the Government.
14. The level of the fees is not be set out in the Bill. Instead, fees across all licence types will be set in regulations – secondary legislation to be made after the Bill has been passed. Before regulations are made, the Government's planned fee levels will be subject a public consultation.

15. The intention is for licence holders to pay the cost of the licensing service, rather than the taxpayer.
16. These changes will not affect fees for shotgun and firearms licences issued by the police to farmers and recreational shooters. New police licence fees were introduced in April 2015³.

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³ See <https://www.gov.uk/government/news/home-office-announces-increase-in-firearms-licensing-fees>