Home Office

Guide on Firearms Licensing Law

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Chapter 1: An overview – frequently asked questions about firearms licensing

Introduction

1.1 This Guide provides guidance on firearms licensing law and related issues. It is not a definitive statement of the law but is intended to provide a consolidated explanation of this sometimes complex area of legislation. It aims to assist consistency of practice between police forces and to encourage an informed understanding of the law among firearms users.

1.2 All police forces should seek to comply with the advice in this Guide. However, Chief Officers of Police are responsible for the administration of the legislation in their force area, and it may be necessary to depart from this Guide when the circumstances of a case justify it. In such circumstances, chief officers for the police force concerned will need to be able to justify their decision.

1.3 This Guide should be read alongside the Statutory Guidance for Chief Officers of Police, which covers the processes and criteria for assessing suitability to possess firearms[1], and the College of Policing's Authorised Professional Practice on firearms licensing.

1.4 This Guide is kept under review and new versions are released when new legislation or changes in policy occur. This version of the Guide replaces the version published in August 2026, the amendment corrects a typographical error in paragraph 10.3.

What is meant by the term 'firearm'?

1.5 'Firearm' means a lethal barrelled weapon of any description from which any shot, bullet or other missile with kinetic energy of more than one joule at the muzzle of the weapon, can be discharged.

See Chapter 2 for further details.

What kind of firearm can be held on certificate?

1.6 Some firearms and shotguns may be held on a firearm or shotgun certificate issued by the police. Low-powered air weapons are not licensed in England and Wales unless they are of a type declared specially dangerous by the Firearms (Dangerous Air Weapons) Rules 1969, but there are restrictions on their sale. An air weapon is "specially dangerous" if it is capable of discharging a missile with kinetic energy in excess, in the case of an air pistol, of 6 foot-pounds or, in the case of other air

[1] 1 The term "firearms" is generally used in this document to refer to all lethal barrelled weapons, including shotguns, unless a distinction is required, for example, to distinguish issues to do with firearms certificates as against shotgun certificates.

weapons,12 foot-pounds. “Specially dangerous” air pistols (and certain other air weapons) are prohibited weapons and may not be held on certificate.

See Chapters 10 and 11 (on firearm certificate procedure and shotgun certificate procedure) for further details.

Can anyone apply for a firearm certificate?

1.7 Permission to possess, purchase or acquire a firearm will only be granted to an individual who is assessed by the licensing authority, the police, as not posing a threat to public safety and having good reason to own the firearm. Organisations such as target shooting clubs, museums and firearms dealers must also apply for licences if they wish to possess or use firearms. Persons who are sentenced to a term of imprisonment of three years or more cannot possess a firearm or ammunition (including antique firearms) at any time.

See Chapters 10 and 11 (on firearm certificate procedure and shotgun certificate procedure) for further details.

Who authorises firearm and shotgun certificates?

1.8 The police are the licensing authority for firearm and shotgun certificates, as well as for firearms dealers. The authority rests with local police forces rather than a central licensing authority because of the local information that police will use to inform their judgement. Applications for authority to possess prohibited weapons, such as handguns, in England and Wales are determined by the Home Office on behalf of the Secretary of State. Applications for such authority in Scotland are determined by the Scottish Government on behalf of Scottish Ministers.

See Chapters 10, 11 and 15 (on firearm and shotgun certificate procedure and on registration as a firearms dealer) for further details.

What is a ‘good reason’ to own a firearm?

1.9 Applicants for firearm certificates should be able to demonstrate to the police that they require their firearm on a regular, legitimate basis for work, sport or leisure (including collections or research). Chief officers are able to exercise discretion over what constitutes a good reason, judging each case on its own merits (see Chapter 12 for further details). Applicants for shotgun certificates do not have the same requirement, but the police can refuse a certificate where they are satisfied an applicant does not have a good reason to possess a shotgun and the onus is on the police to show this.

How are firearms stored?

1.10 The conditions of a firearm or shotgun certificate stipulate that guns must be stored securely so as to prevent access by an unauthorised person. The manner in which they are stored depends on the individual property and circumstances.

See Chapter 18 for further details.

What happens to firearms in the event of the death of the owner?

1.11 In the event of the death of a certificate holder, the person inheriting the effects must surrender or declare the weapons to the police or a registered firearms dealer. Failure to do so would result in the inheritor being in breach of the law by having the firearms in their possession; it is the responsibility of the inheritor to find out whether firearms are part of the deceased's effects. Registered firearms dealers will be able to advise on the value of the items and how best to proceed in accordance with the inheritor's wishes. Options include applying for a certificate, selling/transferring the firearm (for example, to a museum or a certificate holder) or destroying it.

See Chapters 5, 14 and 24 for further details.

What should I do if I have concerns about a firearm owner?

1.12 Any concerns should be reported to your local police force.

Where can I find information about shooting clubs, museums or firearms dealers?

1.13 Detailed information about firearms dealers can be found in Chapter 15, museums in Chapter 16 and shooting clubs in Chapter 17.

Chapter 2: Definition and Classification of Firearms and Ammunition

2.1 This chapter provides definitions of firearms, component parts, shotguns, deactivated firearms and defectively deactivated firearms, imitation and realistic imitation firearms, including readily convertible imitations, some information on antiques (which are covered more fully in Chapter 8), and firearms conversion. It goes on to define various types of firearms and ammunition for which no certificate is required, including certain types of air weapons.

2.2 The definitions of 'firearm', 'lethal barrelled weapon', 'shotgun' and 'ammunition' for the purposes of the Firearms Acts are set out in section 57 of the Firearms Act 1968 ("the principal Act") and are set out below. The definition of 'firearm' extends to certain imitation firearms (see paragraphs 2.32 to 2.36).

Definition of 'firearm' and 'lethal barrelled weapon'

2.3 Section 57 of the principal Act (as amended) defines a 'firearm' as (i) a lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged with kinetic energy of more than one joule at the muzzle of the weapon (ii) a prohibited weapon and (iii) any relevant component part (see below and Chapter 12) of such a lethal barrelled or prohibited weapon.

Definition of 'airsoft' gun

2.4 An 'airsoft' gun as defined in section 57A of the 1968 Act is not regarded as a firearm for the purposes of that Act. Section 57A defines an airsoft gun as a barrelled weapon of any description which is designed to discharge only a small plastic missile (whether or not it is also capable of discharging any other kind of missile) and is not capable of discharging a missile of any kind above the permitted kinetic energy thresholds at the muzzle of the weapon (see below). A 'small plastic missile' is defined in section 57A(3) as a missile that:

a) is made wholly or partly from plastics;

b) is spherical, and

c) does not exceed 8 millimetres in diameter.

Section 57A(4) sets the maximum permitted kinetic energy levels for airsoft guns at:

a) 1.3 joules if the weapon is capable of discharging two or more missiles successively without repeated pressure on the trigger, and

b) 2.5 joules in any other case.

Definition of 'relevant component part'

2.5 A 'relevant component part' of a lethal barrelled or prohibited weapon is a firearm in its own right and is defined in section 57(1D) of the 1968 Act as:

a) a barrel, chamber or cylinder,

b) a frame, body or receiver,

c) a breech block, bolt or other mechanism for containing the pressure of discharge at the rear of a chamber,

but only where the item is capable of being used as a part of a lethal barrelled weapon or a prohibited weapon.

Definition of 'shotgun'

2.6 A "shotgun" is defined in section 1(3)(a) of the 1968 Act and means a smooth-bore gun (not being an air gun) which:

a) has a barrel not less than 24 inches in length and does not have any barrel with a bore exceeding 2 inches in diameter. The length of the barrel is measured from the muzzle to the point of ignition (breech face). For a muzzle-loading gun, the point of ignition may be taken as the touch-hole or nipple that is nearest to the breech;

b) either has no magazine or has a non-detachable magazine incapable of holding more than two cartridges (see paragraphs 2.12 to 2.14 for further information). It should be noted that under section 1(3A) of the 1968 Act a gun that has been adapted to have such a magazine only meets this criterion if the magazine bears an approved mark and the adaptation has been certified in writing either by one of the two Proof Houses or by such other person as the Secretary of State has designated, as having been carried out in a manner approved by the Secretary of State; and

c) is not a revolver gun (that is, a gun containing a series of chambers, which revolve as part of the firing cycle).

2.7 When considering the classification of smooth-bore guns, special attention must be paid to the length of the barrel and the overall length. With the exception of those chambered for .22 rim-fire cartridges, section 5(1)(ac) of the 1968 Act raised to the prohibited category (see Chapter 3) all self-loading and pump-action models which are either short-barrelled (under 24 inches) or short in overall length (under 40 inches). For the purpose of calculating overall length any detachable, retractable or other movable butt-stock should be disregarded. References to 'shotguns' in the 1968 Act may be taken generally to mean shotguns which fall within section 2 of that Act, rather than those subject to sections 1 and 5 of the 1968 Act, unless otherwise stated.

2.8 While overall length is not a relevant factor in regard to the classification of traditional single and double-barrelled smooth-bore guns and repeating shotguns with a bolt or lever-action, any such guns with barrels under 24 inches in length are subject to control under section 1(3)(a)(i) of the 1968 Act. Also controlled under section 1(3)(a)(ii) is any repeating shotgun, not otherwise prohibited by virtue of its barrel length or overall length, with a magazine capacity in excess of two cartridges.

2.9 Section 5(1)(ad) of the 1968 Act raised to the prohibited category any smooth-bore revolver gun other than one that is chambered for 9mm rim-fire cartridges or is a muzzle-loading revolver gun. The first exemption is understood to cover 'ratting' or 'garden' guns. Since section 1(3)(a) of the 1968 Act does not permit any revolver gun to be regarded as a 'shotgun', smooth-bore revolver guns which are chambered for 9mm rim-fire or muzzle-loading guns are classed as firearms and subject to control under section 1 of the 1968 Act.

2.10 For the purposes only of sections 3(1) and 45(2) of the 1968 Act, and in the definition of 'firearms dealer' in section 57(4), the term 'shotgun' also includes any component part of a shotgun and any accessory to a shotgun designed or adapted to diminish the noise or flash caused by firing the gun. For the purposes of all other sections/Acts, the component parts of shotguns are not subject to control under the Firearms Acts. See section 57(4) of the 1968 Act.

Definition of 'ammunition'

2.11 'Ammunition' means ammunition for any firearm and includes grenades, bombs and other like missiles, whether capable of use with a firearm or not; and also includes prohibited ammunition. It should be noted that the definition of ammunition does not include ingredients and components of ammunition; it is only assembled ammunition that is controlled under the Act, not component parts. Empty cartridge cases, for example, are not 'ammunition'. There are two exceptions to this. The first is missiles for ammunition prohibited under section 5 of the 1968 Act, for example, expanding ammunition which can only be used in a pistol, or armour-piercing bullets. Such missiles are themselves defined as 'ammunition' and are subject to control accordingly (see Chapter 3). The second is primers - section 35 of the Violent Crime Reduction Act 2006 introduced controls on the purchase and sale of a cap type primer designed for use in metallic ammunition (see Chapter 5).

Proof House certification of adapted shotguns

2.12 Section 1(3A) of the 1968 Act as amended by section 2(3) of the Firearms (Amendment) Act 1988 requires that any smooth-bore gun adapted to have a non-detachable magazine incapable of holding more than two cartridges must bear a Proof House mark and have been certified to that effect. This requirement applies not only to those smooth-bore guns already in circulation which have been adapted, but also to those smooth-bore guns which are adapted by the maker subsequent to manufacture but prior to distribution or sale. In both cases such guns are regarded as having been 'adapted' within the meaning of section 1(3A) of the 1968 Act, which was inserted by 2(3) of the 1988 Act.

2.13 The marking and certification requirement does not, however, apply in the case of smoothbore guns, which are manufactured with a non-detachable magazine incapable of holding more than two cartridges. Such guns are not regarded as

having been 'adapted' within the meaning of section 2(3) since the capacity of the magazine will be secured during the process of manufacture. Although the guns need not comply with the Secretary of State's specifications, the magazine must meet the requirement in section 1(3)(a)(ii) of the 1968 Act; that is, the magazine must be incapable of holding more than two cartridges.

2.14 When assessing the magazine capacity of a firearm, consideration should be given to the number of cartridges that the firearm was designed or proofed to take. For example, where a shotgun has a magazine which is capable of holding three cartridges but was designed to hold only two, the shotgun should be considered a section 2 firearm rather than a section 1 firearm. Although interpretation of the law is ultimately a matter for the courts, it is thought unlikely, for example, that the insertion of a plastic or wooden plug into a large capacity fixed magazine would, of itself, be regarded as rendering that gun as having a magazine incapable of holding more than two cartridges. The restriction would need to be of an equivalent standard to the methods set out in the Home Office approved specifications in order to meet the requirements of section 1(3)(a)(ii).

Deactivated firearms

2.15 Within the context of section 38 of the Violent Crime Reduction Act 2006, a 'deactivated firearm' means an imitation that consists of something which was a firearm but has been rendered incapable of discharging a shot, bullet, or other missile. Section 8 of the 1988 Act provides that, unless it can be shown otherwise, a firearm which has been deactivated to a standard approved by the Secretary of State, so that it is incapable of discharging any shot, bullet or other missile, is presumed not to be a firearm within the meaning of the 1968 Act and therefore is not subject to control if it bears a mark approved by the Secretary of State for denoting that fact. The 1988 Act requires that one of the two Proof Houses or some other person approved by the Secretary of State has marked the firearm and certified in writing (that is, provided a certificate) that it has been deactivated to the approved standard. No other person has been approved for this purpose. A deactivated firearm is also to be treated as an imitation firearm, and by virtue of section 24A of the 1968 Act can only be bought by or sold to someone aged 18 or over

2.16 Deactivation specifications were first set by the Home Office in 1989. They were revised in 1995 and again in 2010. These specifications came into force on 1 October 1995 and 17 December 2010, and are not retrospective. Therefore, a gun deactivated to the old specifications prior to revisions, remains deactivated for legal purposes.

2.17 The 1995 (and to some extent 2010) specifications encompassed a substantially greater range of firearms design and are generally more stringent than the preceding (1989) standards.

2.18 Section 8 of the 1988 Act is an evidential provision and does not preclude the possibility that a firearm which has been deactivated in some other manner may also have ceased to be a firearm within the meaning of the 1968 Act. For example, guns held by museums that were recovered from wrecked ships and aircraft may

be corroded to the point that they cannot be fired. This should not be confused with wear or missing parts that can be replaced. The final arbiter of whether the article fulfils the definition of a firearm for the purposes of section 57(1) of the 1968 Act is a court.

2.19 See the gov.uk website for published information on the current UK standards which are designed to ensure that deactivated firearms are rendered irreversibly inoperable. These standards came into force on 28 June 2018 and have been applied by the Proof Houses to firearms submitted to them on or after that date. The standards do not apply to firearms deactivated prior to then unless those firearms are transferred or placed on the market.

Defectively deactivated firearms

2.20 Section 8A of the Firearms (Amendment) Act 1988 requires the Secretary of State to publish technical standards for deactivation. The link in the previous paragraph refers. The Act introduced a new offence of making a defectively deactivated weapon available for sale or as a gift to another person or to sell it or give it (as a gift) to another person. The offence does not apply if the weapon is made available for sale or as a gift to a person who is outside of the UK on the basis that if the sale or gift were to take place, the weapon would be transferred to a place outside of the UK.

2.21 An exception under the 1988 Act applies to museums that hold a museum firearms licence. Such museums can continue to make available for sale or as a gift (as the case may be), defectively deactivated firearms to another museum firearms licence holder without the need for the firearms to be deactivated to newer standards.

2.22 Something is a 'defectively deactivated weapon' if:

a) it was at any time a firearm

b) it has been rendered incapable of discharging any shot, bullet or other missile (and, accordingly, has either ceased to be a firearm or is a firearm only by virtue of the Firearms Act 1982), but

c) it has not been rendered so incapable in a way that meets the technical specifications for the deactivation of the weapon that apply at the time when the weapon is made available for sale or as a gift or (as the case may be) when it is sold or given as a gift.

2.23 A person guilty of an offence under this section is, on summary conviction, liable to a term of imprisonment not exceeding 12 months (or, in relation to offences committed before paragraph 24(2) of Schedule 22 to the Sentencing Act 2020 comes into force, 6 months) or to a fine, or to both. On conviction on indictment, the maximum sentence is imprisonment for a term not exceeding 5 years or to a fine, or to both.

2.24 See the gov.uk website for further information on deactivation specifications.

Readily convertible imitation firearms

2.25 Section 1 of the Firearms Act 1982 extended the provisions of section 1 of the 1968 Act to certain imitation firearms. Therefore, a firearm certificate is required to possess, purchase or acquire an imitation firearm which:

a) has the appearance of being a firearm to which section 1 of the 1968 Act applies; and

b) is so constructed or adapted as to be readily convertible into a firearm to which that section applies.

2.26 Under section 1(6) of the 1982 Act, an imitation firearm is regarded as readily convertible into a firearm to which section 1 of the 1968 Act applies if:

a) it can be converted without any special skill on the part of the person converting it in the construction or adaptation of firearms of any description; and

b) the work involved in converting it does not require equipment or tools other than such as are in common use by persons carrying out works of construction and maintenance in their own homes.

Section 1(5) of the 1982 Act provides a defence for a person accused of an offence to show that he did not know, and had no reason to suspect, that the imitation firearm` was so constructed or adapted as to be readily convertible into a firearm to which section 1 of the Act applies.

Guidelines on the 1982 Act

2.27 Guidelines have been issued which advise on the technical measures that can be taken to prevent an imitation firearm from being readily convertible into a lethal barrelled weapon. These guidelines are intended primarily for the gun trade and are available from representative organisations, such as the Gun Trade Association.

Offences involving imitation firearms

2.28 Section 16A of the 1968 Act makes it an offence to possess any firearm or imitation firearm with intent to cause, or to enable another person to cause, someone else to fear that unlawful violence will be used against them or another person. It provides for a maximum penalty of 10 years' imprisonment or a fine, or both.

2.29 Under section 20 of the 1968 Act it is an offence to trespass with an imitation firearm. The maximum penalty for such an offence is 6 months imprisonment (for trespass in a building) or 3 months (for trespass on land). The offence of trespassing with an imitation firearm in a building (in contrast to the offence committed with a firearm as defined by section 57(1) of the 1968 Act) is triable only summarily. Section 46(1)(b) of the 1968 Act (police powers of search with a warrant) applies to the seizure of imitation firearms as well as real firearms. See Part 1 of Schedule 6 to the 1968 for a list of the penalties that apply to the criminal

offences in that Act.

2.30 Under section 19 of the 1968 Act, it is an offence for a person to carry an imitation firearm in a public place without lawful authority or reasonable excuse (see also Chapter 21). The maximum custodial sentence is 12 months for this offence (as it relates to imitation firearms).

2.31 Section 24A of the Firearms Act 1968, as inserted by section 40 of the Violent Crime Reduction Act, makes it an offence for anyone aged under 18 to purchase an imitation firearm and for anyone to sell an imitation firearm to someone aged under 18. There is a defence for anyone charged with the offence of selling an imitation firearm to someone under 18, where they can show that they had reasonable grounds for believing the purchaser to be 18 or over.

2.32 Section 4A of the Firearms Act 1968 makes it an offence for a person, other than a registered firearms dealer, a) to have in his or her possession or under his or her control an article that is capable of being used (whether by itself or with other articles) to convert an imitation firearm into a firearm and, b) the person intends to use the article (whether by itself or with other articles) to convert an imitation firearm into a firearm. A person guilty of an offence under this section is, on summary conviction, liable to a term of imprisonment not exceeding 12 months (or, in relation to offences committed in England and Wales before paragraph 24(2) of Schedule 22 to the Sentencing Act 2020 comes into force, 6 months) or to a fine, or to both. On conviction on indictment, the maximum sentence is imprisonment for a term not exceeding 5 years or to a fine, or to both.

Realistic imitation firearms

2.33 Section 36 of the Violent Crime Reduction Act 2006 makes it an offence for a person to manufacture, sell, import or cause a realistic imitation firearm to be brought into Great Britain. The Act also makes it an offence to modify an imitation firearm so that it becomes a realistic imitation firearm. Section 38(1) defines a ‘realistic imitation firearm’ as an imitation firearm which:

a) has an appearance that is so realistic as to make it indistinguishable, for all practical purposes, from a real firearm; and

b) is neither a deactivated firearm nor an antique.

2.34 This definition of ‘realistic imitation firearm’ applies for the purposes of sections 36 and 37 of the 2006 Act. The term 'real firearm' is defined in section 38(7) as either a firearm of an actual make or model of a modern firearm, or a generic modern firearm. The term 'modern firearm' is defined in subsection 8 as a firearm other than one whose appearance would tend to identify it as having a design and mechanism of a sort first dating before 1870.

2.35 Section 37 of the 2006 Act provides for a number of specified defences, which apply for the offence under section 36, where a realistic imitation firearm is made available for one or more of the following purposes:

i) for the purposes of a museum or gallery
ii) for the purposes of theatrical performances and of rehearsals for such

performances
iii) in the production of films (within the meaning of Part 1 of the Copyright, Designs and Patents Act 1988)
iv) in the production of television programmes (within the meaning of the Communications Act 2003))
v) for the organisation and holding of historical re-enactments organised and held by persons specified or described for the purposes of this section by regulations made by the Secretary of State (see below)
vi) for the purposes of functions that a person has in their capacity as a person in the service of His Majesty.

2.36 Section 37(3) of the 2006 Act provides a further defence for businesses to import realistic imitation firearms for the purpose of modifying them so that they cease to be realistic imitation firearms.

2.37 The Violent Crime Reduction Act 2006 (Realistic Imitation Firearms) Regulations 2007 (SI 2007/2606) provides two further defences which apply to an offence under section 36 of the 2006 Act. The first is a defence for making a realistic imitation firearm available for 'permitted activities', defined as "the acting out of military or law enforcement scenarios for the purposes of recreation" and primarily intended to cover those participating in airsoft skirmishing. It is a requirement under the regulations that third party liability insurance is held in connection with such activities. The second is a defence for display of realistic imitation firearms at a 'permitted event', defined as a commercial event at which firearms or realistic imitation firearms (or both) are offered for sale or displayed (i.e. arms fairs).

2.38 The Regulations also specify that those relying on the historical re-enactment defence must have third party liability insurance in connection with the organisation and holding of historical re-enactments. Where a person indicates that they wish to buy a realistic imitation firearm for airsoft skirmishing, retailers should seek to determine that the prospective buyer holds third party liability insurance in connection with the organisation and holding of the recreational acting out of military or law enforcement scenarios. In many cases airsoft players will be members of clubs which are members of the United Kingdom Airsoft Retailers Association (UKARA). UKARA operates a database, which keeps a record of participating airsoft players and game sites, and is used for identification purposes. Equally, where a person intends to buy a realistic imitation firearm for the purposes of historical re-enactment, retailers should check that the prospective buyer is a member of a club or society recognised by the National Association of Re-enactment Societies (NAReS) or an organisation of similar standing prior to making a sale.

2.39 In determining whether an imitation firearm is to be considered a realistic imitation firearm, section 38(3)(a) of the 2006 Act states that its size, shape and principal colour are to be taken into account. Section 38(3)(b) confirms that an imitation is to be regarded as distinguishable if its size, shape or principal colour is unrealistic for a real firearm. The Violent Crime Reduction Act 2006 (Realistic Imitation Firearms) Regulations 2007 specify a set of colours and dimensions in order to distinguish between imitation firearms and realistic imitation firearms. An imitation firearm with dimensions less than 38 mm in height and 70mm in length is to be regarded as unrealistic. An imitation firearm which is principally coloured bright red, bright orange, bright yellow, bright green, bright pink, bright purple, bright blue, or which is transparent should also be regarded as unrealistic.

2.40 An imitation firearm whose principal colour is not one of those listed in the Regulations does not automatically fail to be regarded as realistic, although it is more likely that that will be the case. In these circumstances, the general test of whether it is distinguishable from a real firearm, taking into account its size, colour etc. should be applied.

Specifications for blank firing imitation firearms

2.41 Under section 39 of the Violent Crime Reduction Act 2006, it is an offence to manufacture or import an imitation firearm which does not conform to specifications set out in the Violent Crime Reduction Act 2006 (Specification for Imitation Firearms) Regulations 2011 (SI 2011/1754) ("the 2011 Regulations"). It is also an offence to modify an imitation firearm so that it does not conform to the specifications or to modify a firearm to create an imitation firearm which does not confirm to the regulations. Accordingly, all blank firing imitation firearms, i.e. imitation firearms capable of firing a blank cartridge, and blank firing imitation revolvers must conform to the specifications set out in regulations 4 and 6 of the 2011 Regulations respectively. Under regulation 7 of the 2011 Regulations, the offence in section 39(2)(d) of the 2006 Act of importing an imitation firearm which does not conform to the specifications does not apply where the imitation firearm was imported for one of the reasons specified in section 37(2) of the 2006 Act (see paragraph 2.39). It should be noted that certain models of top venting blank firers (TVBFs) - Retay, Ekol, Ceonic, Blow and Bruni models: 8mm PAK BBM Model 92, 8mm PAK BBM New Police, 8mm PAK BBM Model 96, 8mm PAK BBM Model 'GAP' and .380R (9mmK) PAK BBM ME Ranger –have been found to be readily convertible and are therefore subject to the controls of section 1(6) of the Firearms Act 1982, meaning that they are prohibited firearms under section 5(1) of the Firearms Act 1968. This means that anyone found to be in possession of one of these types of TVBF could face up to 10 years' imprisonment.

Small firearms

2.42 Section 5 of the 1968 Act prohibits any firearm which either has a barrel less than 30cm in length or is less than 60cm in length overall, other than an air weapon, a muzzle-loading gun or a firearm designed as signalling apparatus. The intention was to prohibit certain particularly dangerous firearms which were easy to conceal. In general terms, this has meant the prohibition of handguns but it is important to remember that the legislation does not refer explicitly to handguns; instead it refers to small firearms. For exemptions to the requirement to obtain the Secretary of State's authority to possess prohibited firearms see Chapter 3.

Antiques

2.43 Apart from sections 19, 20 and 21, Schedule 3, and any other provision of the 1968 Act so far as it applies in relation to an offence under the aforementioned sections, the provisions of the 1968 Act do not apply to antique firearms kept as curiosities or ornaments (section 58(2) of the 1968 Act refers) (see chapters 5 and 8). The Antique Firearms Regulations 2021 specify which firearms can be regarded as antique, and further details are set out in Chapter 8.

Firearms and ammunition for which no certificate is required

2.44 Firearm and shotgun certificates are required in respect of the majority of firearms and ammunition. However, the following types are exempt:

Air and gas operated weapons and their ammunition

2.45 Air guns, air rifles and air pistols are exempt from the certification requirement if they are not of a type declared specially dangerous by the Firearms (Dangerous Air Weapons) Rules 1969 (SI 1969/47) ("the 1969 Rules"), as amended by the Firearms (Dangerous Air Weapons) (Amendment) Rules 1993 (SI 1993/1490), or the Firearms (Dangerous Air Weapons) (Scotland) Rules 1969 (SI 1969/270), as amended by the Firearms (Dangerous Air Weapons) (Scotland) Amendment Rules 1993 (SI 1993/1541).

2.46 The 1969 Rules provide that any air weapon is 'specially dangerous' if it is capable of discharging a missile so that the missile has, on being discharged from the muzzle of the weapon, kinetic energy in excess, in the case of an air pistol, of 6 foot-pounds or, in the case of an air weapon other than an air pistol, 12 foot-pounds. An air rifle with a muzzle energy in excess of 12 foot-pounds must be held on a firearm certificate. Any short air weapons (which either have a barrel less than 30cm in length or are less than 60cm in length overall), with a muzzle energy in excess of 6 foot-pounds are prohibited firearms.

2.47 If there is doubt about a particular air weapon, police forces should seek advice from forensic science service providers. It should be noted that the firing capabilities have been found to differ between particular weapons of the same model. It should not be automatically assumed that all specimens of a particular model of air gun produce exactly the same muzzle energy, particularly if its published power level approaches the 6 foot-pounds or 12 foot-pounds levels, as appropriate to its type. Testing of air weapons for the purposes of determining their status under the current legislation should only be carried out under strictly controlled circumstances. Forensic science service providers can offer help and advice.

2.48 By virtue of section 48 of the 1997 Act, firearms using compressed carbon dioxide as the power source are treated as air weapons and, if not regarded as 'specially dangerous' (over 6 foot-pounds in the case of a pistol or 12 foot-pounds in the case of other air guns and air rifles) are thus exempt from the firearm certificate procedure. Firearms using other gases are not so exempt.

2.49 It should be noted that the majority but by no means all guns powered by carbon dioxide which discharge paint pellets and which are used in adventure games are unlikely to cause serious injury, nor were they designed as 'weapons'. As such, they should not be considered to be firearms. Designs of 'paintball' guns which can fire different types of projectile or are being marketed for self-defence may, however, be 'lethal barrelled weapons' and therefore subject to the requirements of the Firearms Act 1968. The type of ammunition held in conjunction with such guns may have a bearing on the matter.

2.50 Ammunition for air weapons and other weapons using compressed gas is exempt from the certification procedure.

2.51 The 1969 Rules do not apply to an air weapon designed for use only when submerged in water, such as harpoon guns.

Air weapons in Scotland

2.52 Section B4 of Part 2 of Schedule 5 to the Scotland Act 1998 reserves the subject matter of the Firearms Acts 1968 to 1997. Section 10 of the Scotland Act 2012 amends section B4 to create an exception to that reservation. The amendment gives legislative competence to the Scottish Parliament in relation to the regulation of air weapons within the meaning of section 1(3)(b) of the Firearms Act 1968 (air weapons not declared specially dangerous by rules made by the Secretary of State under section 53 of the 1968 Act). Section 2 of the Air Weapons and Licensing (Scotland) Act 2015 makes it an offence for a person to use, possess, purchase or acquire an air weapon in Scotland without holding an air weapon certificate issued by Police Scotland. For more detailed information about air weapons laws in Scotland please refer to the guidance issued by the Scottish Government: Air weapon licensing in Scotland: guide.

Shotgun cartridges

2.53 A shotgun certificate is not required to possess or acquire shotgun cartridges containing five or more shot, none of which exceeds .36 inch in diameter. All ordinary shot cartridges are covered by this description. However, a shotgun certificate (or firearm certificate authorising possession of a section 1 shotgun) is normally required to purchase shotgun cartridges. All single bulleted ammunition, for example solid slug, spherical ball or projectiles for birdscaring equipment, is subject to the requirement for a firearm certificate.

Blank cartridges

2.54 Blank cartridges not exceeding 1 inch in diameter are also exempt from the certification procedure.

Display Boards and decorative purposes

2.55 In the absence of a court ruling, inert cartridges and ammunition mounted on display boards are not regarded as being subject to the Acts. Similarly, inert bullets mounted on key rings or cuff links are assumed to be exempt.

2.56 It should be noted that exemption from the certification procedure does not automatically exempt a firearm from all the other provisions of the Act. A person found trespassing with a low-powered air weapon, for example, might still be charged with “armed” trespass. It is also an offence for a person prohibited by the terms of section 21 of the 1968 Act to be in possession of an air gun or ammunition for it.

Other classes of firearms and ammunition

2.57 When considering whether a particular weapon should be regarded as a firearm to which sections 1, 2 or 5 of the 1968 Act applies or which is covered by the 1982 Act, it is important to remember that the purpose of the legislation is to control the supply and possession of all rifles, guns and pistols which could be used for criminal or subversive purposes while recognising that individuals may own and use firearms and other devices for legitimate purposes. In the absence of a decision by a court, the Secretary of State takes the view that the following devices should not be regarded as firearms within the definition of the Act:

a) captive-bolt stunning devices (where the bolt remains attached to the barrel) used in the slaughter of animals, operated by blank cartridges or pneumatically;

b) nail guns, designed as tools for the insertion of nails, metal pins and threaded bolts into solid objects;

c) alarm guns, which are devices operated by a trip wire for the detonation of small explosive charges;

d) line throwing implements used for saving life of those in vessels in distress;

e) net throwing guns which are devices designed for the live capture of birds and animals (but not those net throwing guns which are designed for law enforcement purposes);

f) rocket signal and illuminating devices (but not signalling pistols or hand-held devices using cartridges, and which discharge a signal or illuminating load from a fixed barrel);

g) fuse igniting pistols designed to ignite a slow burning pyrotechnic fuse or shock cord by firing a primer or blank cartridge;

h) cable cutters and cable spikers (designed to earth the residual electronic charge held in high voltage cables) fired by blank cartridges;

i) harpoon guns utilising a spigot and fired by blank cartridge, such as the Greener harpoon gun;

j) dummy and target launchers (designed to project a dummy for dog training or an artificial target for shooting), utilising a spigot and powered by blank cartridges;

k) armoured fighting vehicle (AFV) smoke dischargers used to project pyrotechnics for smoke screening; and

l) sleeve type chamber inserts for use in a shotgun or rifle); and,

m) rifled choke tubes for shotguns are considered to be an accessory and not an essential component part of a firearm as specified by section 57 of the 1968 Act.

Conversion of firearms

2.58 Section 7(1)(a) of the Firearms (Amendment) Act 1988 (as amended by the 1997 Act) provides that if any weapon has at any time been a weapon to which section 5(1) or 5(1A) of the 1968 Act applies, it shall be treated as a prohibited weapon regardless of anything done for the purpose of converting it into a weapon of a different kind. Thus a fully automatic weapon such as a Bren gun which has been smooth-bored and adapted to single-shot would still be classified as a prohibited weapon, as would a pistol that had a 24 inch or more smoothbore barrel fitted to it.

2.59 Section 7(1)(b) provides an exception in respect of self-loading or pump-action smooth-bore guns which have at some time possessed a barrel under 24 inches (and would otherwise be caught under section 5(1)(ac) of the 1968 Act) and which at the present time have a barrel of 24 inches or more. This takes account of the fact that some self-loading and pump-action smooth-bore guns are manufactured so as to readily accommodate, and with equal facility, interchangeable barrels of varying lengths, which may be more or less than 24 inches. The exception therefore protects a person who acquires such a gun in its long-barrelled mode without being aware that in the past it had been fitted with a shorter barrel.

2.60 Section 7(2) of the 1988 Act provides that a weapon which:

a) has at any time since the coming into force of section 2 of the 1988 Act (which required a firearm certificate for certain types of shotgun) been a weapon to which section 1 of the 1968 applies; or

b) would at any previous time have been such a weapon had the 1988 Act been in force,

shall, if it has, or at any time has had, a rifled barrel of less than 24 inches be a section 1 firearm, irrespective of any work done to convert it into a shotgun or an air weapon.

2.61 However, section 7(3) of the 1988 Act exempts from the provisions of section 7(2) any firearm where the barrel has been shortened by a registered firearms dealer for the sole purpose of replacing part of it so as to produce a barrel not less than 24 inches in length. This allows firearms dealers to cut off from a rifled barrel which is 24 inches or greater in length a damaged or worn part, drill out the rifling from the remaining part of the barrel and add a smooth-bored section so as to produce a barrel not less than 24 inches in length.

2.62 This exemption refers only to guns that have at some time had barrels less than 24 inches in length solely by virtue of such work having been carried out by a registered firearms dealer. Guns which have at any time had a barrel less than 24 inches in length for some other reason cannot benefit from this exemption even if they are subsequently shortened again by a registered firearms dealer for the purpose stated. This covers the conversion of firearms and does not impinge on the destruction of a firearm by a dealer cutting it into pieces, including the barrels.

Chapter 3: Prohibited Weapons and Ammunition

3.1 This chapter defines weapons and ammunition prohibited under the terms of section 5 of the 1968 Act. It explains the arrangements whereby the Secretary of State grants authorities for possessing section 5 weapons and ammunition, and the various exemptions from the requirement to possess this authority. Where this chapter refers to an authority of the Secretary of State, that authority is exercised by the Scottish Ministers in or as regards Scotland

Definitions

3.2 Sections 5(1) and 5(1A) of the 1968 Act, make it unlawful to purchase, acquire or possess, without the authority of the Secretary of State, any prohibited weapon or ammunition. There are additional offences under section 5(2A) covering the unlawful manufacture, sale or transfer of any prohibited weapon or ammunition, the unlawful possession of prohibited weapons or ammunition for sale or transfer, and the unlawful purchase or acquisition of prohibited weapons or ammunition for sale or transfer.

3.3 Those weapons and ammunition which are prohibited consist of:

i) any firearm which is so designed or adapted that two or more missiles can be successively discharged without repeated pressure on the trigger (section 5(1)(a));

- Section 5(1)(a) includes weapons such as machine guns, sub-machine guns, chain guns and the so-called ‘burst-fire’ weapons in which several missiles (typically 3-5) are discharged in succession on a single application of the trigger. Case law also suggests that the courts should consider the actual operation of the firearm rather than the intent of the designers.

ii) any self-loading or pump-action rifled gun other than one which is chambered for .22 rim-fire cartridges (section 5(1)(ab));

- Section 5(1)(ab) includes carbines, which are included in the definition of a rifle in section 57(4) of the 1968 Act. Originally, a carbine was a short musket or rifle intended for use by mounted troops, but the term has come to mean any rifle with a short barrel.

- Also caught in this category are the so-called ‘hybrid’ firearms such as the Colt Armalite AR-15 ‘pistol’. These weapons are self-loading versions of long arms made to operate in self-loading mode only and sold without a shoulder stock. The term ‘automatic’ is also sometimes incorrectly applied to self-loading pistols.

iii) any firearm which either has a barrel less than 30 centimetres in length or is less than 60 centimetres in length overall, other than an air weapon, a muzzle-loading gun or a firearm designed as signalling apparatus (section 5(1)(aba));

- Section 5(1)(aba) affects small firearms that are easily concealed. Muzzle-loading firearms (including cap and ball revolvers) and flare pistols are excluded. It should be remembered that the 1997 Act did not ban pistols as such and was drafted in terms of small firearms. NB: section 5(1)(aba) includes 'specially dangerous' air pistols and 'specially dangerous' short air rifles.

- In terms of measurement, section 57(6) of the 1968 Act makes provision for the barrel to be measured from the muzzle to the point at which the charge is exploded on firing. In measuring the overall length, any detachable, folding, retractable or other movable butt-stock should be disregarded in accordance with section 5(8) of the 1968 Act.

- Any long-barrelled pistols with dimensions greater than those stipulated in section 5(1)(aba) of the 1968 Act (such as the long barrelled Uberti Cattleman revolver) are not caught by this section of the Act and may legally be held on a firearm certificate.

- The Olympic .380 BBM starting pistol was identified as readily convertible in 2010 and now falls within the definition of a prohibited firearm under section 5(1)(aba).

iv) any self-loading or pump-action smooth-bore gun which is not an air weapon or chambered for .22 rim-fire cartridges and either has a barrel less than 24 inches in length or is less than 40 inches in length overall (section 5(1)(ac));

- Section 5(1)(ac) covers short-barrelled or short overall length pump-action and self-loading shotguns, which may have folding or retracting shoulder stocks. Short barrelled smooth bore 'specially dangerous' air weapons also fall into this category.

v) any smooth-bore revolver gun other than one which is chambered for 9mm rim-fire cartridges or a muzzle-loading gun (section 5(1)(ad));

- Section 5(1)(ad) covers most smooth-bore revolver guns though an exception is made for the so-called 'ratting guns' chambered for 9mm rim-fire and for muzzle-loading guns, both of which are subject to control under section 1 of the Act. Section 57(2B) of the 1968 Act (as inserted by the Firearms (Amendment) Act 1988) defines a smooth-bore revolver gun as one containing a series of chambers, which revolve when the gun is fired. Examples of such guns are the 'Dragon' and the 'Striker'.

vi) any rocket launcher, or any mortar, for projecting a stabilised missile, other than a launcher or mortar designed for line-throwing or pyrotechnic purposes or as signaling apparatus (section 5(1)(ae));

- A section 5(1)(ae) rocket launcher is effectively a tube designed to launch a rocket-propelled missile, whereas a mortar uses an explosive charge to launch a bomb. All modern rocket launchers and mortars are caught by this

sub-section. Antique or replica mortars (often used by historical re-enactment groups) are used to fire blanks or unstabilised projectiles, and are subject to control under section 1 or 2 of the 1968 Act, depending on the size of the bore and the length of the barrel.

vii) any air rifle, air gun or air pistol that uses, or is designed or adapted for use with, a self-contained gas cartridge system (section 5(1)(af));

- Section 5(1)(af) applies to air weapons that are designed, or adapted for use with self-contained gas cartridge (SCGC) systems, for example the Brocock system. This category does not include weapons that use a CO2 bulb system because CO2 bulbs do not contain a projectile and, therefore, are not self-contained.

- Section 39(4) of the Anti-Social Behaviour Act 2003 makes provision for existing owners (i.e. those who possessed an SCGC weapon on 20 January 2004) to keep and continue to use their weapons, provided they were entered onto a firearm certificate. There is no provision in legislation for such weapons to be sold or transferred to other firearm holders. They may, however, be deactivated.

- SCGC weapon owners wishing to surrender their weapons can do so to the police or a Registered Firearm Dealer (RFD) in possession of a Home Office approval for section 5(1)(af) weapons. Those RFDs with the relevant Home Office approval may also repair or deactivate such firearms.

viii) any rifle with a chamber from which empty cartridge cases are extracted using: (i) energy from propellant gas, or (ii) energy imparted to a spring or other energy storage device by propellant gas, other than a rifle which is chambered for .22 rim-fire cartridges (section 5(1)(ag));

- Section 5(1)(ag) applies to rifles such as the VZ 58 Manually Actuated Release System (MARS) rifle and the Southern Gun Company SGC lever release rifle. These rifles are considered more dangerous than other firearms because they can discharge rounds at a much faster rate than conventional bolt-action rifles which may be held on a firearm certificate.

ix) any weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas or other thing (section 5(1)(b));

- The courts have held that stun guns are prohibited weapons under the terms of section 5(1)(b) of the 1968 Act *(Flack v Baldry (1988) 1 All.ER 673).* Anyone wishing to possess, purchase, acquire, manufacture, sell or transfer these and similar weapons, which give off an electrical discharge, must apply for the Secretary of State's authority.

- Cattle prods are not considered to be within this category because they are not designed or adapted as weapons. This section not only includes flamethrowers and poison gas projectors, but also personal protection sprays using CS, Mace or OC pepper.

- Additionally, it covers dart guns and blowpipes for shooting drugged or poisoned darts (but see section 8 of the 1997 Act which provides an exemption from the need for authority to possess such weapons provided they are held on a firearm certificate conditioned to allow their use for the tranquilising or otherwise treating of any animal).

x) any device (commonly known as a bump stock) which is designed or adapted so that: (i) it is capable of forming part of or being added to a self-loading lethal barrelled weapon (as defined in section 57(1B) and (2A)), and (ii) if it forms part of or is added to such a weapon, it increases the rate of fire of the weapon by using the recoil from the weapon to generate repeated pressure on the trigger (section 5(1)(ba));

- Section 5(1)(ba) covers bump stocks, which significantly increase the rate of fire of self-loading rifles.

xi) any cartridge with a bullet designed to explode on or immediately before impact, any ammunition containing or designed or adapted to contain any such noxious thing as is mentioned in (ix) above and, if capable of being used with a firearm of any description, any grenade, bomb or other like missile, or rocket or shell designed to explode as aforesaid (section 5(1)(c));

- Section 5(1)(c) includes cartridges containing explosive bullets and ammunition containing noxious substances such as CS. Explosive bullets are those containing an explosive charge, the purpose of which is to cause the bullet to explode on or immediately before impact with the target. Tracer bullets, which contain a chemical flaring compound designed so that the flight of the bullet can be seen, are not prohibited. Smoke canisters are not covered by this provision.

xii) any firearm which is disguised as another object (section 5(1A)(a));

- Section 5(1A)(a) was introduced primarily to control walking stick shotguns, but covers any firearm disguised as something else, for example, a pen pistol. A disguised firearm can also be a small firearm for the purposes of section 5(1)(aba). A firearm with camouflage applied for legitimate use, for example, by gamekeepers or wildfowlers, is not considered to be a disguised firearm for the purposes of the Act.

xiii) any rocket or ammunition not falling within (xi) above which consists of, or incorporates, a missile designed to explode on or immediately before impact and is for military use (section 5(1A)(b));

- Section 5(1A)(b) covers such things as air-to-air, air-to-ground or ground-to-air missiles that are fired from launch rails rather than through a tube. It also includes rocket grenades and torpedoes. It does not cover free-fall bombs, which are not considered to be ammunition.

xiv) any launcher or other projecting apparatus not falling within (vi) above which is designed to be used with any rocket or ammunition falling within (xiii) above or with ammunition which would fall within that paragraph but for it being ammunition falling within (xi) above (section 5(1A)(c));

- Section 5(1A)(c) refers to such things as launch tubes fitted to fixed- or rotary- wing aircraft for category (xiii) missiles. Launch rails, which provide solely for carriage and release, are not considered to be launchers unless they also provide the initial guidance for the missile.

xv) any ammunition for military use which consists of, or incorporates, a missile designed so that a substance contained in the missile will ignite on or immediately before impact (section 5(1A)(d));

- Section 5(1A)(d) refers to ammunition designed to have an incendiary effect at the target. This includes missiles containing napalm and similar substances. It does not include tracer rounds.

xvi) any ammunition for military use which consists of or incorporates a missile designed, on account of its having a jacket and hard-core, to penetrate armour plating, armour screening or body armour (section 5(1A)(e));

- Section 5(1A)(e) is typified by tungsten-cored rounds designed to penetrate armour using kinetic energy alone. It extends to depleted uranium rounds and armour piercing discarding sabot ammunition.

xvii) any ammunition which is designed to be used with a pistol and incorporates a missile designed or adapted to expand on impact (section 5(1A)(f));

- Section 5(1A)(f) refers to ammunition incorporating a projectile that is designed or adapted to expand in a controlled manner. Semi-jacketed soft point and hollow point are typical forms of expanding ammunition, but care must be taken to distinguish between expanding ammunition which is solely designed for use in pistols and expanding ammunition for use in rifles - only expanding ammunition for pistols is prohibited, whereas expanding ammunition for rifles is subject to section 1 controls and may be held on a firearms certificate. All bullets will distort on impact, but only those which were designed or adapted to do so in a predictable manner fit this category.

xviii) anything which is designed to be projected as a missile from any weapon and is designed to be, or has been incorporated in, any ammunition falling within any of the preceding paragraphs (see xv, xvi and xvii above); or any ammunition which would fall within any of those paragraphs but for it being specified at (xi) above (section 5(1A)(g));

- Section 5(1A)(g) extends the prohibition on the various types of prohibited ammunition to the actual bullet or missile itself, not just the complete round of ammunition (a complete round consists of the bullet, the cartridge case, the propellant and the primer).

Component parts

3.4 Note that the component parts of weapons falling under 5(1)(a), 5(1A)(a) or 5(1)(aba) are also subject to section 5 controls (see also Chapter 12).

3.5 Section 57(1D) of the 1968 Act defines the relevant component parts of weapons as: a barrel, chamber or cylinder; a frame, body or receiver; a breech block, bolt or

other mechanism for containing the pressure of discharge at the rear of a chamber; but only where the item is capable of being used as a part of a lethal barrelled weapon or a prohibited weapon.

Adding to the list of prohibited weapons

3.6 Section 1(4) of the Firearms (Amendment) Act 1988 enables the Secretary of State, subject to the approval of Parliament, to make an Order adding to the list of prohibited weapons and ammunition. This power applies only in respect of:

a) any firearm (not being an air weapon) which is not for the time being specified in subsection (1) of section 5 of the 1968 Act, was not lawfully on sale in Great Britain in substantial numbers at any time before 1988 and appears to the Secretary of State to be:

i) specially dangerous (see Chapter 2); or

ii) wholly or partly composed of material making it not readily detectable by apparatus used for detecting metal objects;

b) any ammunition which is not for the time being specified in that subsection but appears to the Secretary of State to be specially dangerous; or

c) any air rifle, air gun or air pistol which is not for the time being specified in that subsection but appears to the Secretary of State to be specially dangerous.

3D Printed firearms

3.7 The manufacture, purchase, sale and possession of 3D printed firearms, ammunition or their component parts is fully captured by the provisions in section 57(1) of the Firearms Act 1968. The definition of firearm in the Act includes any component parts. 3D printed firearms are subject to strict control in the following respects:

a. under section 1 of the 1968 Act, it is an offence for an individual to possess, purchase or acquire any component part of a firearm without a certificate;

b. under section 3 of the 1968 Act, it is an offence for a person who is not a registered firearms dealer or their servant to manufacture or possess for sale, by way of trade or business, a component part of a firearm; and

c. under section 5 of the 1968 Act, it is an offence for a person to possess, purchase, acquire, manufacture, sell, transfer, possess for sale or transfer, or purchase or acquire for sale or transfer, a component part of a prohibited weapon without the authority of the Secretary of State or of the Scottish Ministers in Scotland.

3.8 The Border Security, Asylum and Immigration Act 2025 (section 52) includes a measure which will make it an offence to possess or supply templates for the 3D printing of

firearms. By virtue of section 53 of the 2025 Act, this covers any document (which covers information recorded in any form) that may be used in conjunction with a 3D printer to produce any part of a firearm as defined by section 57 of the Firearms Act 1968 or, in Northern Ireland, Article 2(2) of the Firearms (Northern Ireland) Order 2004.

Authorities under section 5 of the 1968 Act

3.9 This section sets out the arrangements under which the Secretary of State considers applications for authority to possess etc prohibited weapons and ammunition under section 5 of the Firearms Act 1968.

In England and Wales, applications for authority to possess, purchase, acquire, manufacture, sell, transfer, possess for sale or transfer, or purchase or acquire for sale or transfer prohibited weapons or ammunition are determined by the Home Office.

In Scotland, the Scottish Ministers are the responsible body. Applications are determined by the Scottish Government:

Firearms Team
Safer Communities Division
St Andrew's House
Edinburgh
EH1 3DG

See the gov.scot website for the Scottish Government section 5 application form.
email:firearms.enquiries@gov.scot

Telephone: 0131 244 8525

Application for a section 5 authority in England and Wales

3.10 In England and Wales, applications must be made to the Home Office electronically using the designated application portal. For detailed advice on how to apply, please consult the Home Office Guidance for the application for a section 5 authority for prohibited weapons and ammunition.

3.11 References in the remainder of the guide to the Home Office should also be taken to mean the Scottish Government unless otherwise stated. Exemptions from the requirement to obtain the Secretary of State's authority to possess prohibited items are set out in paragraphs 3.18 to 3.23.

3.12 Before a decision is made concerning a particular application for an authority, the chief officer of police in the area from which the application has been received will be asked if they have any objections to the grant of the authority. If an authority is granted, it will be sent to the applicant and copied to the chief officer. As a matter of policy, the Secretary of State will normally only grant authorities for those with a legitimate commercial need to possess prohibited weapons, rather than for private use or speculative business interest. The chief officer will be informed of any case in which an authority is refused or revoked.

3.13 The Secretary of State is responsible for granting authority, but will rely on information from, and the opinion of, the chief officer of police when reaching a decision.

Prohibited weapons are subject to a more stringent control than other firearms and authority to possess or deal in such weapons is granted only if good reason is shown. The authority may restrict the holder to a particular category of prohibited weapon or prohibited ammunition and specify the range of transactions, which may be undertaken. Chief officers should report any circumstances that might justify revoking an authority to the Home Office or the Scottish Government.

3.14 When an application for renewal of an authority is received, the Home Office or the Scottish Government will again seek the views of the police. It is essential, therefore, that applications for renewal are made well in advance of the expiry date.

3.15 Prohibited weapons and ammunition are included in the definitions of 'firearm' and 'ammunition' in section 57 of the 1968 Act and are therefore subject to the restrictions applicable to other types of firearm and ammunition. No firearm certificate should be granted in respect of any weapon or ammunition to which section 5 of the 1968 Act applies unless authority for its possession has been given by the Secretary of State or they are exempt. If any person applies for a certificate for a prohibited weapon or ammunition already in their possession where they are neither exempt nor able to produce the original, valid authority from the Secretary of State, the application should be refused and the individual required to surrender the weapon or ammunition immediately.

3.16 Where a person has been authorised by the Secretary of State to have possession of a prohibited weapon or prohibited ammunition, the chief officer of police has no discretion to refuse or to revoke the necessary firearm certificate in respect of the prohibited weapon or ammunition (section 31(1) of the 1968 Act). In the case of dealers authorised to manufacture, sell or transfer prohibited weapons, there is no discretion to refuse to enter their names in, or to remove them from, the register of dealers (sections 34(3) and 38(2) of the 1968 Act). When an authority is revoked, any firearm certificate relating to the weapon or ammunition in question must be revoked or varied accordingly (section 31(2) of the 1968 Act). If the chief officer recommends revoking or varying the conditions of any authority the Home Office or the Scottish Government (as applicable) will consider the police report and recommendations and will then review the case. They will usually allow the authority holder an opportunity to put forward representations to allow the Home Office or the Scottish Government to make an evidence-based decision prior to revocation or changes to the authority, unless immediate action is required for public safety or other reasons.

3.17 Under section 12(2) of the 1968 Act (as amended) (a parallel provision to Section 12(1) of the 1968 Act), an authority to possess prohibited weapons issued to a theatrical or cinematograph film producer may authorise the possession of the weapons by such other persons as the producer may select to have possession thereof whilst taking part in the performance, rehearsal or production.

3.18 Section 5(4) of the 1968 Act provides that an authority shall contain conditions for the purpose of ensuring that the prohibited weapon or prohibited ammunition will not endanger the public safety or the peace. Conditions are stipulated by the Home Office or the Scottish Ministers (and these will vary in individual cases) although the opinion of the chief officer is also sought. Section 5(5) of the 1968 Act makes it an offence to fail to comply with any conditions subject to which an authority is granted. Under section 5(6) of the 1968 Act it is an offence, upon revocation, to fail to deliver up an authority to such person as may be specified in the notice within 21 days of the date of the notice of revocation.

Exemptions from the requirement to hold the Secretary of State's authority to possess prohibited items

3.19 Under the terms of section 54 of the 1968 Act (as amended) persons in the service of His Majesty acting in their capacity as such are exempt from the provisions of section 5 of the Act. For the purposes of the Act, persons deemed to be in the service of His Majesty include members of a police force, civilian officers, members of any foreign force when serving with British forces, members of any approved cadet corps when engaged as members of the corps in drill, or in target practice on service premises, and persons providing instruction to members of a cadet corps.

3.20 Since the 1968 Act created section 5, it has been significantly amended by section 1 of the Firearms (Amendment) Act 1988, regulation 3 of the Firearms Acts (Amendment) Regulations 1992 and sections 1, 9 and 52 of the 1997 Act, Schedule 3 of the 1997 Act, section 39 of the Anti-social Behaviour Act 2003, the Anti-social Behaviour, Crime and Policing Act 2014, the Policing and Crime Act 2017 and, the Offensive Weapons Act 2019. In addition, sections 2 to 7 of the 1997 Act provide for certain special exemptions from the prohibition of small firearms. It is therefore critical that all revisions are taken account of when dealing with section 5 issues.

3.21 Section 5A(1) of the 1968 Act refers to collectors and states that the authority of the Secretary of State is not required for a collector to possess, purchase, acquire, sell or transfer any of the firearms or ammunition listed in section 5(1A) provided they have a suitably conditioned, valid firearm certificate or permit. The weapons and ammunition listed under section 5(1A) are those in categories (xii) to (xviii) above.

3.22 Section 5A(4) of the 1968 Act states that the Secretary of State's authority is not required for shooters to possess, purchase or acquire, or sell or transfer expanding ammunition or expanding bullets prohibited by sections 5(1A)(f) and (g) providing they have a firearm certificate or visitors' permit authorising their use in connection with four specific activities. These activities are:

i. the lawful shooting of deer;
ii. shooting of vermin or, in the course of estate management, other wildlife (for more information see Chapter 12);
iii. the humane killing of animals; and
iv. the shooting of animals to protect other animals or people.

This exemption applies to expanding ammunition which is designed to be used with a pistol (see Chapter 4 for further information on expanding ammunition).

3.23 There is no need for the expanding pistol bullets to be listed separately on the certificate. However, where a certificate holder requests large quantities of bullets, it should be remembered that the total number of expanding bullets authorised counts towards their overall limit on possession of expanding pistol ammunition. The exception to the rule on listing bullets separately on a firearm certificate applies in the case of a certificate holder who wishes to possess a variety of different types of bullets. This may be reflected in a relatively higher overall limit on possession and, in these circumstances, the bullets should be listed separately to help avoid unnecessary stockpiling of complete rounds. The dealer making the sale must record transactions of expanding pistol ammunition and bullets for such ammunition on the buyer's certificate and the sale must also be recorded in the dealer's register. Provisions for registered firearms dealers are outlined in Chapter 4.

3.24 Section 5A(5) of the 1968 Act allows licensed slaughtermen to have, without the authority of the Secretary of State or the Scottish Ministers, expanding pistol ammunition for use in a slaughtering instrument, defined at section 57(4) of the 1968 Act as being a firearm specially designed or adapted for the instantaneous slaughter of animals or for the instantaneous stunning of animals with a view to slaughtering them. Section 10 of the 1968 Act allows licensed slaughtermen, without the need for a firearm certificate, to have a slaughtering instrument and ammunition for it in any slaughterhouse or knacker's yard in which they are employed. In addition, section 2 of the 1997 Act allows other people to possess a slaughtering instrument if they have a firearm certificate allowing possession of the weapon. This provision is meant to apply to those people such as vets, hunt servants and other suitably qualified individuals who could reasonably be expected in the course of their normal work to have to destroy sick or injured animals.

Chapter 4: Expanding Ammunition

4.1 This chapter sets out the definition of expanding ammunition and the controls and prohibitions on its possession, purchase, acquisition, sale and transfer.

Definitions

4.2 Section 5(1A)(f) of the Firearms Act 1968 prohibits "any ammunition which is designed to be used with a pistol and incorporates a missile designed or adapted to expand on impact". Section 5(1A)(g) prohibits the bullets for such ammunition (missiles, in the words of the Act). The words 'designed or adapted' are important. Any bullet will deform on impact with a sufficiently hard surface, but only bullets, and ammunition containing bullets, which were designed or have been adapted to do so in a controlled manner are actually controlled by the legislation (see Chapter 3). If in doubt as to the design intention of a bullet, reference to the maker's design specification should be made. Frangible bullets, do not fall under section 5(1A)(f) of the 1968 Act.

4.3 The prohibition in section 5(1A)(f) previously also applied to expanding ammunition for rifles. However, this was changed by section 129 of the Policing and Crime Act 2017. As a result, expanding ammunition which can be used in a rifle is no longer prohibited and may be possessed on a firearm certificate. The prohibition on expanding ammunition which can only be used in a pistol remains.

Exemptions

4.4 Section 5A(4) of the 1968 Act provides an exemption from the prohibition of expanding ammunition for pistols which is to be used in connection with any one or more of the following purposes:

i. lawful shooting of deer;
ii. shooting of vermin or, in the course of estate management, other wildlife (for more information see Chapter 12);
iii. humane killing of animals; and
iv. shooting animals for the protection of other animals or humans.

4.5 Persons who wish to acquire expanding ammunition for any of these purposes must first satisfy the chief officer of police that they have a 'good reason' to possess a pistol for any of the above. Once this 'good reason' requirement has been satisfied, the shooter's firearm certificate or visitor's permit must be conditioned to include expanding ammunition and, for home loaders, the bullets for such ammunition. The condition should restrict the use of the bullets or ammunition to the precise purpose for which it is intended (see also Chapter 3). These exemptions apply only to use in England, Wales and Scotland, as Northern Ireland has its own legislation.

4.6 Section 5A(7) of the 1968 Act exempts dealers and their servants from the need for the authority of the Secretary of State or Scottish Ministers to possess, purchase,

acquire, sell or transfer any expanding ammunition for pistols, or the missile for any such ammunition, in the ordinary course of the business. Dealers may not possess any expanding ammunition for pistols for their private use unless they have a suitably conditioned firearm certificate.

Chapter 5: Restrictions on the Possession, Handling and Distribution of Firearms and Ammunition

5.1 This chapter sets out some of the general requirements and prohibitions of the law on possession, purchase and acquisition of firearms and ammunition. It should be noted that additional information on many of these areas can be found in other parts of the guide.

Definitions

5.2 Under sections 1 and 2 of the 1968 Act, it is an offence for a person "to have in their possession or to purchase or acquire" a firearm or ammunition to which section 1 applies or a shotgun (but not shotgun cartridges) without holding the appropriate certificate. The case law suggests that possession is an absolute offence. It is not a valid defence that the defendant does not know that a bag in their possession contains a firearm (R v Steele 1993) or that a supposedly antique firearm is subject to certification (R v Howells 1997). Possession may be constructive (that is, having free access to the firearms rather than physically possessing them) (Sullivan v Earl of Caithness 1976).

5.3 In some (very restricted) circumstances certain categories of people may be authorised by the Act to "have in their possession" firearms and/or ammunition without a certificate, but not to purchase or acquire. Such people might include licensed slaughterers, a person taking part in theatrical, television or film productions, warehouse operatives or carriers (see Chapter 6) and those authorised under section 7 of the Firearms Act 1968. See also Chapter 6 and Chapter 24, about firearms that may have been found amongst the property of somebody who has died. Chapter 6 also includes details of other exemptions from the need to have a certificate, including the use of borrowed rifles on private premises, as does Chapter 17 on clubs. See also chapters 14 and 26.

5.4 The word "sell" is often used throughout the Act in conjunction with the word "transfer". Transfer is defined in section 57(4) of the 1968 Act as including letting on hire, giving, lending and parting with possession.

General prohibitions

5.5 Persons prohibited under section 21 of the 1968 Act may not possess any firearms or ammunition, not just those for which a certificate is required. Thus the prohibition extends to all air weapons, air gun pellets and shotgun ammunition. It should also be noted that:

(a) The prohibition applies to persons sentenced in all parts of the United Kingdom, including those sentenced in Northern Ireland. Section 29 of the

Criminal Justice Act 1972 amended section 21 of the 1968 Act. In its unamended form, section 21 applied the prohibition only to those sentenced in England, Wales and Scotland; the amendment in section 29 of the Criminal Justice Act 1972 made the similar prohibition on possessing firearms and ammunition in Northern Ireland (previously section 19 of the Firearms Act (Northern Ireland) 1969, now Article 63 of the Firearms (Northern Ireland) Order 2004) effective in England, Wales and Scotland.

(b) The prohibition includes detention in a young offenders institution, or in youth custody. Paragraph 24 of Schedule 14 to the Criminal Justice Act 1982 added the words “or to youth custody for such a term” to subsections (1) (after “three years or more”) and (2) (after “less than three years”) of section 21 of the 1968 Act. Paragraph 6 of Schedule 8 to the Criminal Justice Act 1988 amended section 21(1) and (2) of the 1968 Act by inserting “or detention in a young offenders institution” after “youth custody”.

5.6 Convictions overseas and periods of detention under the Mental Health Act or the Mental Health (Care and Treatment) Scotland Act 2003 do not count towards prohibition, although they might be relevant to fitness and public safety.

5.7 A court in England and Wales that imposes a suspended sentence may order the forfeiture of a firearm or cancel a firearm or shotgun certificate. Even if a court does not make such an order, chief officers of police have the power to revoke a firearm or shotgun certificate in certain circumstances. The fact that an order has been made under section 52 of the 1968 Act in respect of the applicant (notwithstanding that only a suspended sentence was passed) might also be regarded by chief officers as giving them reason to believe that the applicant is unfit to be entrusted or to possess a firearm or shotgun without danger to the public safety or to the peace.

5.8 Since 14 July 2014 suspended sentences have attracted the prohibition imposed by section 21 of the 1968 Act. Section 110 of the Anti-social Behaviour Crime and Policing Act 2014 extended the definition of a prohibited person to include persons with suspended sentences of three months or more.

The period of prohibition of five years begins on the second day after the date on which sentence has been passed so that a person who is in possession of a firearm or ammunition is not in immediate breach of the law when the sentence is passed. This timescale therefore provides an opportunity for a person to make arrangements to transfer or dispose of their firearm or ammunition.

5.9 Since 14 July 2014 persons prohibited from possessing firearms under section 21 (including those with suspended sentences) are also unable to possess antique firearms (see Chapter 8).

5.10 A person who has served a custodial sentence is informed of the provisions of section 21 of the 1968 Act on release. Section 21(6) of the 1968 Act enables a person who is prohibited by the provisions of the section to apply to the Crown Court (or the Sheriff in Scotland) in accordance with the provisions of Schedule 3 to the 1968 Act for the removal of the prohibition. This is usually done where the offence has not involved violence or firearms. Nevertheless, the removal of the prohibition can be opposed by the police and courts have ruled that possession of

a firearm certificate presupposed an element of trust (Gordon v Northampton Crown Court 1999).

5.11 Under section 25 of the 1968 Act it is an offence for a person to sell or transfer a firearm or ammunition to, or to repair, prove or test any firearm or ammunition for another person whom they know, or have reasonable cause to believe, to be drunk or of unsound mind.

5.12 Restrictions on the possession, purchase and acquisition of firearms and ammunition by young people and on the sale and transfer to them are dealt with separately in Chapter 7.

Firearms and ammunition for which a certificate is required

5.13 Any person wishing to possess, purchase or acquire any firearm or ammunition must hold a valid firearm or shotgun certificate (as appropriate) unless exempt under sections 7 to 13, 15, 54 or 58(1) of the 1968 Act or sections 15 to 19 of the Firearms (Amendment) Act 1988, except:

a) an air weapon or a weapon powered by compressed carbon dioxide (not of a type declared by the Secretary of State under the Dangerous Air Weapons Rules 1969 (as amended) to be specially dangerous);

b) ammunition for air weapons;

c) cartridges containing five or more shot, none of which exceeds .36 inches in diameter (the exemption does not extend to the purchase of such ammunition);

d) blank cartridges not more than one inch in diameter.

5.14 Section 5 of the 1988 Act prohibits the sale of ammunition for a shotgun or smoothbore gun, and for which a firearm certificate is not required, to a person who is neither a registered firearms dealer nor a person who sells such ammunition by way of trade or business unless that person:

a) produces a shotgun certificate or a firearm certificate (the original, not a photocopy) authorising them to possess a smooth-bore gun;

b) shows that they are entitled to possess a shotgun or smooth-bore gun without holding a certificate; or

c) produces a certificate (the original, not a photocopy) of some other person together with a written authority from the holder of the certificate to purchase the ammunition on their behalf.

This section only applies to ammunition not subject to control under section 1 of the 1968 Act. There is no requirement for a vendor of shotgun cartridges to be registered as a firearms dealer.

5.15 Unless exempt, a special authority from the Secretary of State or the Scottish Ministers is needed in addition to a firearm certificate for the possession of a prohibited weapon or prohibited ammunition (see Chapter 3).

Primers

5.16 The Violent Crime Reduction Act 2006 introduced controls on the purchase and sale of cap-type primers designed for use in metallic ammunition for a firearm, including empty cartridge cases incorporating such a primer. Section 35 of the 2006 Act makes it an offence to sell these items unless the purchaser:

a) is a registered dealer;

b) sells by way of any trade or business either primers or empty cartridge cases incorporating primers;

c) produces a certificate (the original, not a photocopy) authorising them to possess a firearm of a relevant kind (i.e. a firearm other than a shotgun, an air weapon or a firearm chambered for rim-fire ammunition) or ammunition for such a firearm;

d) is a duly authorised Crown servant;

e) shows that they are entitled in law to possess a firearm or ammunition of a relevant kind without a certificate;

f) produces a certificate (the original, not a photocopy) authorising another person to possess such a firearm, or such ammunition, together with that other person's authority to purchase primers on their behalf; or

g) shows that they are authorised by regulations to purchase primers. To date no such regulations have been made.

Section 35 also makes it an offence to buy, or attempt to buy, primers unless the purchaser meets the same criteria.

The definitions used in section 35 mean that the offences do not apply to the purchase or sale of blank ammunition, shotgun primers or to percussion caps for muzzle-loading firearms.

Business and other transactions

5.17 A person commits an offence, if by way of trade or business that person is engaged in the manufacture, sale or transfer of shotguns or firearms or ammunition to which section 1 of the 1968 Act applies and is not registered as a firearms dealer. This requirement extends to persons who repair, test or prove such firearms or ammunition. A person also commits an offence if they expose for sale or transfer or have in their possession for sale, transfer, repair, test, or proof any such firearm or ammunition, or a shotgun.

In relation to air weapons; a person commits an offence if, by way of trade or business, they sell or transfer, expose for sale or transfer; or possess for sale or transfer air weapons without being registered as a firearms dealer (see Chapter 15).

5.18 Persons who dispose of firearms or ammunition otherwise than by way of trade and business need not register, but all persons, including dealers, must observe the provisions of the Act regarding:

a) persons to whom firearms and ammunition may be sold or transferred (section 3(2) of the 1968 Act and section 5(2) of the Firearms (Amendment) Act 1988) namely;

1) a person producing a firearm certificate authorising them to acquire that firearm or section 1 ammunition;

2) a registered firearms dealer;

3) in the case of a shotgun, a person with a current shotgun certificate or a firearm certificate holder who possesses a section 1 shotgun;

4) in the case of section 2 (shotgun) ammunition, someone who produces another person's valid shotgun certificate, together with written authority from the certificate holder to allow them to purchase or acquire the ammunition;

5) someone who shows that by virtue of the Act they are entitled to purchase or acquire the firearm or ammunition without a certificate.

b) instructions in firearm and shotgun certificates and notification to the chief officer of police of the sale etc. of a firearm or shotgun to a person who is neither a firearms dealer nor otherwise exempt from holding a certificate (section 32(2)(b), 33(2) and (3) of the 1997 Act).

Though not a statutory requirement, it is desirable that police forces should also comply with these requirements if they transfer a firearm or shotgun to a certificate holder from another force area, completing Table 1 on a firearm certificate and/or Table 2 on a shotgun certificate.

5.19 Section 33 of the 1997 Act requires that, within seven days of the transaction, the transferor and transferee must send, electronically (for example, by email or fax) or by recorded or special delivery, notification to the chief officers of police who issued their own certificates. The transferor is the person who originally possessed the gun, and the transferee is the recipient (and it is the transferor who must write the details of the gun and its transfer onto the certificate of the transferee). The notice of the transaction must contain a description of the firearm or shotgun (including any identification number), state the nature of the transaction and give the name and address of the other person concerned. A firearm or shotgun placed with a registered firearms dealer or auctioneer for sale or return is not regarded as a transfer. Notification is only required once the transfer is complete when all three parties notify the police. As the transferor may not know the name of the ultimate transferee, it is sufficient for the transferor only to notify the police of disposal to the dealer or auctioneer.

5.20 Section 34 of the 1997 Act requires that, on the deactivation, destruction or loss of any firearm to which a firearm or shotgun certificate or a visitor's firearm or shotgun permit relates, the chief officer of police who granted the certificate or permit must be notified within seven days of the event. The notification must be sent

electronically (for example, by email or fax) or by recorded or special delivery and must describe the firearm in question (including any identification number) and the nature of the event. Similarly, if any ammunition to which section 1 of the 1968 Act applies and a firearm certificate or visitor's permit relates is lost (whether by theft or otherwise), the chief officer who granted the certificate or permit must be notified within seven days by recorded or special delivery. The actual methods of destruction of firearms are not covered by legislation but to provide adequate safeguards it is generally more appropriate for certificate holders to surrender it either to a registered firearms dealer or to the police rather than to destroy it themselves (see Chapter 24 for further information).

5.21 Section 35 of the 1997 Act requires that if a firearm or shotgun is sold or otherwise disposed of outside Great Britain by a person whose acquisition or purchase of the firearm or shotgun was authorised by a firearm certificate or shotgun certificate, the person holding the certificate must notify the chief officer of police within fourteen days by electronic notification (for example, by email or fax) or recorded or special delivery, or, if they are abroad, by the nearest available equivalent. The notification must contain a description of the firearm or shotgun (including any identification number) and the name and address of the person to whom the gun was sold or disposed of.

5.22 Section 35 of the 1997 Act requires that if a firearm to which a firearm or shotgun certificate relates is deactivated, destroyed or lost (whether by theft or otherwise) or if any ammunition to which section 1 of the 1968 Act applies is lost outside Great Britain, the chief officer of police who issued the certificate must be notified within fourteen days. The notice must contain the same information as the notice of sale or disposal and be sent electronically (for example, by email or fax) or by recorded or special delivery.

5.23 A firearms dealer is also required to send a notification of a transaction involving a visitor under section 18(1) of the Firearms (Amendment) Act 1988 to the chief officer of police for the area in which they are registered. The notice must be sent within forty-eight hours of the transaction, electronically (for example, by email or fax) or by recorded or special delivery, and contain all the particulars entered in the register of transactions including the details of the purchaser's passport, if any.

5.24 Section 8(2)(a) of the 1968 Act also provides specifically that it is not an offence to part with possession, otherwise than by sale, hire, gift or loan, to a person who is entitled to possess the firearm or ammunition without a certificate.

5.25 Further exemptions from the need to produce a certificate are made for persons collecting a shotgun from a dealer who has had it for repair, test or proof (section 8(2)(b) of the 1968 Act). It would be good practice for the dealer and persons to whom carriers or warehousemen or their servants are delivering a firearm or ammunition in the ordinary course of business to ask to see a certificate (section 9(4) of the 1968 Act) or proof that the person collecting the shotgun is entitled to possess it without a certificate.

Pawnbrokers

5.26 Whilst section 3(6) of the 1968 Act prohibits pawnbrokers from taking in pawn any firearm or ammunition to which section 1 of the 1968 Act applies, or any shotgun, a pawnbroker is not debarred from registration as a firearms dealer. In these circumstances, the police will wish to consider an application under the same terms as any other dealer.

Sales of firearms unproven or out of proof

5.27 The provisions of the Gun Barrel Proof Acts are explained in Chapter 23.

Records of transactions

5.28 Persons who by way of trade or business manufacture, sell or transfer firearms or ammunition to which section 1 of the 1968 Act applies, shotguns, or air weapons, are required by section 40 of the 1968 Act to keep a register of transactions and to enter in it the particulars specified in Schedule 4 to the Act and Part 4 of Schedule 5 to the Firearms Rules 1998 (firearms dealer's register of transactions) (as amended by the Firearms (Amendment) (No.2) Rules 2019). The Act does not specifically require a registered dealer to be satisfied before purchasing a firearm to which section 1 applies, or a shotgun, that the vendor is in possession of a certificate for that firearm, but the dealer is required to record the transaction in the register.

5.29 It is good practice for firearms dealers to notify their local police where they take in firearms, including shotguns, which are not held lawfully on a firearm or shotgun certificate. This will enable the police to make checks to ensure they are not recorded as lost or stolen.

5.30 Section 18(1) of the 1988 Act allows a visitor who has not been in Great Britain for more than thirty days in the preceding twelve months to purchase a firearm from a firearms dealer for the purpose only of it being exported without first coming into their possession without the need for a certificate. A firearms dealer is required to record the transaction in their register together with the number and place of issue of any passport in the purchaser's possession. A passport will normally provide evidence for a firearms dealer that a visitor satisfies the thirty day criterion. Section 40(7) of the 1968 Act empowers the Secretary of State to make rules varying or adding to Schedule 4 of the 1968 Act. Such changes were made by Rule 10(5) of the Firearms Rules 1998 and by the Firearms (Amendment) Rules 2007.

5.31 Section 38(8) of the 1968 Act provides for the surrender of a dealer's register (or, if the register is kept electronically, a visible and legible copy of the information) and certificate of registration if their name is removed from the register of firearms dealers. It is an offence for the dealer not to comply within twenty-one days of a notice in writing requiring them to surrender the register.

Inspection of dealers' records

5.32 Persons who by way of trade or business manufacture, sell or transfer firearms or ammunition to which section 1 of the 1968 Act applies, shotguns, or air weapons, are required by section 40(4) of the 1968 Act to allow any police officer (including civilian officers) duly authorised in writing by the chief officer of police to enter their premises and inspect all stock in hand and the register of transactions. In all cases, the inspecting officer must produce such written authority on demand. Form 122 is a convenient form of authorisation for this purpose. Under section 40(3A) of the 1968 Act, dealers are required to keep their register of transactions so that entries made in the register are available for inspection for a period of at least five years. If the register is kept on computer, dealers must ensure that a copy of the information contained therein can be produced in a visible and legible form which can be taken away by the inspecting officer. The register should include firearms taken in for repair or storage, although these are not regarded as transfers and consequently notification to the police is not required.

5.33 Section 41 of the 1968 Act enables chief officers of police, at their discretion, to exempt from all or any of the provisions about keeping records persons who manufacture, test or repair components for manufacturers of shotguns but do not handle complete shotguns. Chief officers should satisfy themselves as to the facts in each case, including the type of work carried on and the extent of the danger that each situation presents as a possible source of firearms for criminals. Each case should be reviewed at regular intervals.

Chapter 6: Exemptions from the requirement to hold a certificate

6.1 The exemptions in the Acts apply to a particular category of person and exempt them so far as firearms are held, purchased or acquired for some particular and specified purpose. The exemptions may be divided into two groups; those that concern possession and purchase and acquisition, and those that concern only possession. The exemptions are dealt with in this way in the following two sections of this chapter.

Possession and purchase or acquisition of any type of firearm or ammunition without a certificate

Firearms dealers and their servants

6.2 The exemption in section 8(1) of the 1968 Act covers the possession, purchase and acquisition of firearms and ammunition in the ordinary course of the dealer's business. It extends to dealers and their servants. There is no legal definition of a "servant", but it should be noted that a letter of authority does not automatically make someone a "servant" for these purposes. An employee of the dealer working for a firearms-related business would be a "servant," but it is not the case that anyone whose services the dealer uses on any occasion will necessarily be a servant e.g. a self-employed outworker (such as an engraver). In these circumstances the outworker would be required to register as a firearms dealer. The possession of the firearms and ammunition by a servant may only be for the ordinary business of the dealer as directed by the RFD holder.

6.3 A registered firearms dealer must have a firearm certificate or shotgun certificate as appropriate for any gun they possess for uses unconnected with their dealership. Under section 3(3) of the 1968 Act, a person is prohibited from undertaking the repair, test or proof of a firearm or ammunition to which section 1 of the 1968 Act applies, or of a shotgun, unless the person seeking the repair or other work produces a certificate authorising their possession of the firearm or ammunition, or the shotgun, or alternatively shows that they are entitled to have it without a certificate.

Miniature rifle ranges

6.4 The Firearms Act 2023 was commenced on 1 May 2025 and introduced new controls which apply to the miniature rifle range exemption. Provided that the operator of a miniature rifle range or gallery has been granted a firearm certificate, participants can engage in target shooting at such a range without being required to obtain a firearm certificate. This enables newcomers to try out target shooting in a safe and controlled environment. The miniature rifle range exemption is extensively used, including by clubs, schools and colleges, at game fairs and by activity centres offering target shooting.

6.5 The Firearms Act 2023 introduced a requirement for the operator of a miniature rifle range or a shooting gallery, at which .22 rim-fire calibre firearms are used, to be in possession of a firearm certificate. This means that in order to purchase or possess firearms, the operator of such a range must have been granted a firearm certificate in respect of the firearms to be held, and will have undergone the rigorous police checks on suitability and secure storage, ensuring that the operation of such ranges is within a secure and safe environment. The operator of the miniature rifle range or gallery may be the owner with overall operational responsibility for the site or they may be the individual who is responsible for the day-to-day management and operation of the facility. Being the operator of a miniature rifle range or gallery which uses .22 rim-fire calibre firearms can therefore constitute a good reason for a person to be granted a firearm certificate.

6.6 In England and Wales there is no requirement for the operator of a shooting gallery or range which only uses lower-powered air weapons which are not classed as 'specially dangerous', to obtain a firearm certificate. In Scotland, section 23 of the Air Weapons and Licensing (Scotland) Act 2015 applies, which means that those operating a recreational shooting facility must hold an air weapon certificate. In accordance with section 54(5) of the Firearms Act 1968, in relation to target shooting carried out by a recognised cadet corps, the operator of a miniature rifle range who is a recognised cadet corps leader would not be required to possess a certificate when training cadets.

6.7 The firearm certificate is issued in the name of the operator of the range at the location to be used as the miniature rifle range or gallery. The number of rifles permitted and future acquisition will depend on the activity/range use/throughput on the range and the secure storage. Due to the different types of rifles and ammunition which may be needed for different disciplines and levels of ability, police forces can expect to see miniature rifle range applications which request possession of varying types and numbers of firearms. Similarly, the type of ammunition and the quantity required may vary widely depending on usage at the miniature rifle range or gallery. Quantities of ammunition required may be large in the case of active ranges with high turnover and also certificate continuation sheets may be necessary in those cases.

6.8 The police must be satisfied that an applicant who is applying for a certificate as the operator of a miniature rifle range or gallery has good reason for possession of the firearms. Police enquiries to establish good reason will include a visit to the miniature rifle range or gallery and inspection of the arrangements for safe storage of the firearms. The police will also need to be satisfied that the arrangements provide a safe and secure environment, with proper supervision of participants, and that the operation of the miniature rifle range or gallery will not pose a danger to public safety or the peace.

6.9 Section 11(4) of the Firearms Act 1968 specifies that only .22 rim-fire calibre rifles may be used at a miniature rifle range or gallery. These are lower-powered rifles, and as such are regarded as appropriate for use by those who are new to target shooting and are not firearm certificate holders.

6.10 **Criteria for miniature rifle range:**

a) It is the responsibility of the operator to ensure the safe operation of the miniature rifle range or gallery at all times.

b) The operator must define in writing how they will ensure the safe operation of the miniature rifle range or gallery at all times. This will include when the operator is not

present at the location, how matters are escalated and what roles are in place to ensure that escalation takes place.

c) The operator must provide the police with such information as they require in order to be satisfied that shooting on the range or gallery will be conducted properly and safely and give no cause for concern.

d) The operator must not permit a person to shoot at the miniature rifle range or gallery if they have concerns about risk to safety because of their behaviour or demeanour.

e) The security arrangements for the storage of firearms and ammunition must be satisfactory to the local police firearms licensing department.

f) Those shooting on the miniature rifle range or gallery under the section 11(4) exemption must be supervised at all times when handling firearms and ammunition by a person who is suitably qualified, for example, as a Range Conducting Officer.

g) Only .22 rim-fire calibre rifles or air weapons may be used on the miniature rifle range or gallery under the section 11(4) exemption.

Persons in the service of the Crown and police

6.11 Section 54 of the 1968 Act is a general provision relating to all Crown servants and to persons who are members of a police force or civilian officers (police staff employed by, or under the direction and control of, a chief officer of police). The Anti-social Behaviour, Crime and Policing Act 2014 gives the British Transport Police the same general provisions as specified within section 54 of the 1968 Act.

6.12 The effect of the section is that Crown servants, and police officers and staff who possess firearms and ammunition in their official capacity do not require firearm certificates or authority of the Secretary of State to possess prohibited weapons. In addition, Customs Officers do not require written authority to detain, seize or otherwise possess firearms they encounter in carrying out their official duties. This is because statute law does not bind the Crown or its servants unless specifically stated in the Act of Parliament concerned. Thus soldiers would be exempt if they possess a service firearm in, or for the purpose of, the performance of their duty, but not if they possess other firearms for other purposes, for example if they possess a rifle or shotgun for their own private purposes.

6.13 In general, Crown servants who are required to possess firearms and ammunition in the performance of their official duties are supplied with the weapons and ammunition by the departments they serve. Accordingly, the section does not empower Crown servants to purchase or acquire firearms or ammunition to which section 1 of the 1968 Act applies, or shotguns, without a certificate, except as provided in subsection 2(a) of section 54 of the 1968 Act. This provision enables a person in the service of His Majesty who has written authority from a senior officer, to purchase or acquire firearms and ammunition for the public service without holding a certificate and is intended to cover the necessary purchases by government departments such as the contract branches of the Ministry of Defence.

6.14 There may also be cases in which a department may issue an authority under the subsection to enable emergency purchases to be made by its officers for their use in the public service (see Chapter 19 on the grant of free certificates to persons in the armed services to authorise purchase). Forestry Commission employees are Crown servants and those concerned with wildlife management

operate under the general provision of section 54 of the 1968 Act. Copies of their policy on who is authorised to hold firearms and ammunition are available to chief officers of police from the Forestry Commission (for England), Forestry and Land Scotland, and Natural Resources Wales.

6.15 The question of whether a firearm, in the possession of a Crown servant, is in their possession in their capacity as such can be authoritatively determined only by a court, but when in doubt the department or the commanding officer of the person concerned should be consulted before proceedings are instituted; otherwise the facts should be reported to the department or the commanding officer in order that the need for disciplinary action may be considered.

6.16 Members of the reserve forces may, in certain circumstances, be persons in the service of His Majesty who are entitled to possess firearms and ammunition in their capacity as such and are therefore Crown servants for the purposes of section 54 of the 1968 Act. Whether or not such personnel are entitled to exemption from section 1 of the 1968 Act will depend on such matters as whether they have been called out for service and the terms under which they undertake service. If any person claims that on this basis they are entitled to possess a firearm or ammunition without a firearm certificate the department or the commanding officer of the person concerned should be consulted before proceedings are instituted. However, if such a person wishes to acquire a firearm or ammunition for private use, they should obtain a firearm certificate for the purpose, in which case the appropriate fee would be payable.

Visiting Forces

6.17 The Visiting Forces and International Headquarters (Application of Law) Order 1999 (SI 1999/1736), made under section 8 of the Visiting Forces Act 1952, extends to visiting NATO and Commonwealth forces the exemptions covering His Majesty's forces. Furthermore, members of any foreign force when they are serving with any of His Majesty’s forces are regarded as Crown servants for the purposes of section 54 of the 1968 Act.

Cadet Corps

6.18 Members of cadet corps and their instructors are regarded as Crown servants in certain circumstances (see Chapter 17).

Museums

6.19 Section 19 of the Firearms (Amendment) Act 1988 and its Schedule provide for the exemption of certain museums from the provisions of the 1968 Act if they hold a museum firearms licence (see Chapter 16).

Visitors to Great Britain

6.20 Section 17 of the Firearms (Amendment) Act 1988 provides for visitors to Great Britain to have in their possession, or purchase or acquire a firearm or ammunition under certain conditions without a firearm or shotgun certificate. Visitors’ permits are dealt with in Chapter 26. Under section 18(1) of the 1988 Act a person who has not been in Great Britain for more than thirty days in the preceding twelve months may purchase a firearm from a registered firearms dealer for export, without holding a firearm or shotgun certificate or visitor’s permit. The exemption does not extend to the actual possession of the firearm and the dealer must arrange for the

export of the weapon without it first coming into the purchaser's possession. The thirty days limit is an aggregate and does not have to be continuous. The purchase of a firearm for export without a certificate from a person other than a registered firearms dealer is not permitted.

6.21 A firearm certificate granted in Northern Ireland is, by virtue of the definition of a firearm certificate in section 57(4), a firearm certificate for the purposes of the 1968 Act. Firearm certificates issued in Northern Ireland therefore have validity within Great Britain, conferring on individuals in possession of one the same entitlements and obligations that come with a certificate issued in England, Wales or Scotland. Visitors with Northern Ireland firearm certificates must comply with firearms law in England and Wales or Scotland (as applicable), in particular they must have permission from the Secretary of State or the Scottish Ministers if they wish to bring a small firearm (handgun) into the country. (These may be possessed on a firearm certificate in Northern Ireland.)

Possession only of any type of firearm or ammunition without a certificate

Permits authorising possession

6.22 Section 7 of the 1968 Act enables a chief officer of police to issue to a person a permit authorising them to possess a firearm or ammunition to which section 1 of the 1968 Act applies, or a shotgun, in any special case where it may not be necessary or desirable to issue a certificate. For example, a permit should in normal circumstances be issued to authorise the temporary possession by a relative or the executor of a deceased person, or the receiver of a bankrupt's estate, of firearms or ammunition forming part of the property of the deceased person or bankrupt. A permit may not be issued to authorise the purchase or acquisition of firearms or ammunition (but see section 5(1) of the 1988 Act and Chapter 14). If it does not specify possession only, it will be assumed by default that the permit allows use. A permit may be used to allow a certificate holder to continue to possess their firearms and ammunition where their certificate is about to expire and an application for renewal has been received. These permits should not be used routinely to benefit applicants who do not submit timely renewal applications e.g. less than 8 weeks, unless in exceptional circumstances. The police must be satisfied that the issue of a section 7 police permit does not give rise to any public safety risk, which can normally only be determined after full consideration of their renewal application. Therefore, section 7 permits issued to provide more time to consider a renewal application should only be on an exceptional basis and where unavoidable. Further information about temporary permits is available in chapter 6 of the Statutory Guidance.

Authorised lending and possession of firearms for hunting etc

6.23 Section 11A of the 1968 Act allows a non-certificate holder ('the borrower') to borrow and possess a rifle or a shotgun from another person ('the lender') on private premises lawfully, only if they meet the following four conditions and if, in the case of a rifle, the borrower is aged 17 or over:

(i) That the borrowing and possession of the rifle or shotgun are for either hunting animals or shooting game or vermin, and/or for shooting at artificial targets;

(ii) That the lender must be aged 18 or over, holds a certificate for the borrowed firearm and either has the legal right to allow others to enter the premises for

hunting animals or shooting game or vermin, or has written authorisation from such a person to lend the rifle or shotgun on the premises;

(iii) That the borrower's possession and use of the rifle or shotgun complies with the conditions placed on the lender's certificate; and

(iv) That the lender must be present during the period during which the rifle or shotgun is borrowed. Alternatively, the borrower must be in the presence of another person who is aged 18 or over as described under either subsection 11A(3)(c)(i) or (ii) of the 1968 Act, provided that they hold a certificate in respect of the borrowed rifle or shotgun.

6.24 Subsection 11A(6) further provides for the lawful purchase or acquisition and possession of ammunition by the borrower of a rifle on the same premises if:

- The ammunition is for use with the same firearm;
- The ammunition purchased or acquired by the borrower does not exceed the quantity of ammunition that the lender is authorised to possess at the time; and
- The borrower's possession and use of the ammunition complies with the conditions placed on the lender's certificate.

Possession of firearms and ammunition on service premises

6.25 Section 16A of the Firearms (Amendment) Act 1988 allows a person to possess firearms and ammunition on service premises without holding a certificate or an authority from the Secretary of State or the Scottish Ministers provided they are under the supervision of a member of the armed forces. This was intended to apply to "Open Days" on military premises, military training areas and similar occasions, and does not allow civilians to handle firearms away from service premises, even under supervision. Section 16B of the 1988 Act allows a person who is being trained or assessed in the use of firearms under the supervision of a member of the Ministry of Defence Police may, without holding a certificate or obtaining the authority of the Secretary of State under section 5 of the principal Act, have in his possession a firearm and ammunition on relevant premises for the purposes of the training or assessment.

Auctioneers, carriers, warehousemen and their servants

6.26 The exemption in section 9(1) of the 1968 Act is limited to possession in the ordinary course of the business of the auctioneer, carrier or warehouseman. However, to sell firearms and ammunition by auction, expose for sale by auction or have in their possession for sale by auction, an auctioneer still requires a permit issued by the chief officer of police for the area in which the auction is to be held. When auctioneers are selling firearms or shotguns, or ammunition for either, they should ensure that the persons purchasing the items either have the relevant certificate or permit, or are able to show that they are exempt from the requirement for such a certificate (see Chapter 5).

6.27 Section 14 of the 1988 Act requires that an auctioneer, carrier or warehouseman takes reasonable precautions for the safe custody of the firearms or ammunition in their or their servants' possession in the course of their business. The loss or theft of any such firearm or ammunition must also be reported to the police immediately. Section 2 shotgun ammunition is outside the scope of this provision

because its possession is not subject to certificate control. Failure to adhere to the requirements in section 14 is a criminal offence carrying a maximum of 6 months imprisonment or a level 5 fine (or both).

6.28 It is considered that section 9(1) of the 1968 Act does not exempt auctioneers, carriers or warehousemen from the requirement to have a section 5 authority in respect of any prohibited weapon or prohibited ammunition which they may possess, whether in the ordinary course of business or otherwise. This is because, in section 57(4) of the 1968 Act, the word "certificate" is defined as meaning a "firearm certificate" or a "shotgun certificate". It is therefore considered that the reference to a "certificate" in section 9(1) of the 1968 Act does not also include an authority granted under section 5 of the 1968 Act.

6.29 It is the Secretary of State's view therefore, that for auctioneers, carriers or warehousemen to take possession of any prohibited weapons or ammunition in Great Britain they must first have an authority granted by the Secretary of State or Scottish Ministers under the provisions of section 5 of the 1968 Act.

Direction and control

6.30 It should be noted that "possession" relates not only to physical possession and that a person exercising "direction and control" over prohibited items might also be said to be in possession of them (see Chapter 3 for details of the procedure for seeking the authority of the Secretary of State or of Scottish Ministers).

Auctioneers' permits

6.31 Section 9(2) of the 1968 Act provides that auctioneers may, without being registered as firearms dealers, sell by auction, expose for sale by auction, or have in their possession for sale by auction, firearms or ammunition to which section 1 of the 1968 Act applies, or shotguns, if they have obtained from the chief officer of police of the area in which the auction is held, a permit in the prescribed form. Auctioneers who deal regularly in firearms may wish to register as firearms dealers. It is the duty of auctioneers to satisfy themselves, by requiring the production of certificates or other authorities, that the purchasers of the firearms or ammunition are lawfully entitled to possess them.

6.32 Following the amendment to section 3(1)(c) of the 1968 Act by section 31 of the Violent Crime Reduction Act 2006, auctioneers in England and Wales may sell air weapons provided they are a registered firearms dealer or have an auctioneer's permit, and comply with its terms.

6.33 By virtue of section 33 of the Firearms (Amendment) Act 1997, which requires the notification of transfers involving firearms, an auctioneer is required to inform the chief officer forthwith of the name and address of any person other than a registered firearms dealer, purchasing or acquiring any firearm or ammunition to which the permit refers. Firearms licensing departments may wish to consider granting an auctioneer's permit not just for the day of the sale but for a period both before and after the sale. This would allow the auctioneer to collect the firearms and/or shotguns and, for an appropriate period after the sale, to allow for unsold firearms/shotguns to be returned or otherwise disposed of.

Slaughtering instruments and ammunition

6.34 Licensed slaughterers are subject to the provisions of The Welfare of Animals (Slaughter or Killing) Regulations 1995 and the Welfare of Animals at the Time of Killing (Scotland) Regulations 2012 to possess slaughtering instruments and ammunition for them without a certificate in any slaughterhouse or knacker's yard in which they are employed (section 10(1) of the 1968 Act). The proprietor of a slaughterhouse or knacker's yard may, without holding a certificate, possess a slaughtering instrument and ammunition and must store them in safe custody at that slaughterhouse or knacker's yard. This applies equally to a person appointed by the proprietor to take charge of slaughtering instruments and ammunition for them for that purpose (section 10(2) of the 1968 Act). Except in these circumstances, possession of a slaughtering instrument away from the slaughterhouse or knacker's yard will require a firearm certificate.

6.35 Butchers may sometimes find it necessary to hire or borrow a slaughtering instrument for the purpose of their business, for example when their own slaughtering instruments need repair. If they have to apply on each occasion for a variation on their firearm certificates to authorise the temporary acquisition of an additional instrument, there may be delay and inconvenience. The necessity for variations may, however, be obviated if the certificate contains an entry authorising the acquisition of an additional instrument by hiring or borrowing whenever the (authorised) instrument which the holder normally uses is not, for whatever reason, available for use. Such an entry may be made in that part of the certificate authorising purchase or acquisition when it is granted or, subsequently, by way of variation.

6.36 It is suggested that this course should be adopted in any case in which butchers or other people who hold, or are entitled to hold, a free certificate under section 32(3)(c) of the 1968 Act satisfy the chief officer of police that they may need to occasionally hire or borrow an additional instrument to enable them to carry on their work when their own instrument needs attention or repair. The person providing the hired or borrowed instrument must complete the appropriate Table on the borrower's certificate and notify the transaction to the chief officer in accordance with sections 32 to 35 of the 1997 Act.

6.37 Under section 3(3) of the 1968 Act, a person is prohibited from undertaking the repair, test or proof of a firearm or ammunition to which section 1 of the 1968 Act applies, or a shotgun, unless the person seeking the repair or other work produces a certificate authorising their possession of the firearm or ammunition, or shows that they are entitled to have it without a certificate. Licensed slaughterers, proprietors of slaughterhouses or knacker's yards, and persons appointed by such proprietors to take charge of slaughtering instruments and ammunition, are entitled to have possession of such instruments and ammunition without holding certificates, but only in the slaughterhouses or knacker's yards in which they are employed or of which they are the proprietors.

6.38 Under section 2(a) of the 1997 Act a person authorised by a firearm certificate to possess, purchase or acquire a slaughtering instrument does not need the authorisation of the Secretary of State to possess, purchase, acquire, sell or transfer a slaughtering instrument which falls within section 5(1)(aba) of the 1968 Act, that is small firearms. This exemption does not apply to registered firearms dealers.

6.39 Similarly, under section 2(b) of the 1997 Act, authority under section 5 of the 1968 Act is not required for possession of a slaughtering instrument to which section 5(1)(aba) of the 1968 Act applies if a person is entitled to possess such an instrument without a firearm certificate under section 10 of the 1968 Act. This exemption does not apply to registered firearms dealers.

Gun bearers

6.40 Section 11(1) of the 1968 Act exempts from the certificate requirement a person carrying a firearm or ammunition to which section 1 of the 1968 Act applies, or shotguns, under the instruction of another person who holds a certificate and for that other person's use for sporting purposes only. It does not entitle the bearer to use the firearm or shotgun. The courts have found that this exemption does not extend to unaccompanied possession of the firearms concerned, for example by a chauffeur transporting the firearms from one town to another, in which instance a certificate or permit would be required. Where the person doing the carrying is under eighteen, the exemption only applies if the certificate holder is eighteen or over – as per the amendment inserted by SI 2010/1759.

Starting races

6.41 Section 11(2) of the 1968 Act (as amended by the Firearms (Amendment) Regulations 2010) authorises the possession, without a certificate, of a firearm at an athletic meeting for the purpose of starting races at that meeting. This section does not, however, authorise the purchase or acquisition, without a certificate, of a firearm for such purposes nor does it apply to persons under eighteen years old. The possession of ammunition is not authorised, but blank ammunition not exceeding one inch in diameter may be held without a certificate. Furthermore, a person does not need authority under section 5 of the 1997 Act to possess, purchase, acquire, sell or transfer a firearm that is held on certificate with a condition that it is only to be used for controlling races at athletics meetings.

6.42 The reason for this exemption is that major athletics events require controlling guns (commonly known as starting guns) which are classed as firearms and are able not only to produce a very loud bang but also a highly visible flash from the muzzle end of the gun to facilitate accurate timing. This is not applicable to cycling races or other similar events. In practice, only those starters who have achieved level 3, level 4 or above under the UK Athletics (UKA) licencing scheme should be granted a certificate (UKA has its own hierarchical licencing scheme in place for qualified starters at athletics events which is not linked to the Firearms Act). The UKA licence holder should also have a letter of approval issued by the Technical Committee of UKA and signed by a UKA Executive Officer.

6.43 Most starting pistols, such as the ones used at school sports days, do not have an open barrel and are not classed as firearms. It is important to note that the legislation does not refer explicitly to UK Athletics Ltd (UKA) licenced starters. Although most unlikely, there may be other starters who can make a convincing case for possessing such firearms.

6.44 Starting cannon used by yacht clubs are, provided that they were designed as signalling apparatus, exempt from the prohibition on small firearms contained in section 5(1)(aba) of the 1968 Act. However, persons wishing to possess such starting cannon must have a firearm certificate.

Rifle and pistol clubs and cadet corps

6.45 These are dealt with separately in Chapter 17.

Firearms taken to and from Proof Houses

6.46 Under section 58 (1) of the 1968 Act any person carrying firearms to or from the proof houses is exempt from the provisions of the Act, so long as the firearms are being carried for the purposes of proof.

Theatrical, film and television productions

6.47 Section 12(1) of the 1968 Act authorises the possession of a firearm, without holding a certificate, by any person taking part in a theatrical performance or rehearsal or in the production of a film. This equally applies to television productions. The section does not, however, authorise the purchase or acquisition, without a certificate, of a firearm for such purposes. A number of specialist registered firearms dealers hold stocks of firearms specifically for theatrical or film/television productions. These dealers transport the firearms to the production where they remain under their control and supervision whilst in use by the actors or production staff.

6.48 Theatrical, television or film producers who wish to acquire firearms for the purpose of their production must obtain certificates. In such cases the fact that the firearm will be handed to and carried by actors in the production will, in the case of firearms to which section 1 of the 1968 Act applies, as a rule justify the addition of special conditions to the firearm certificate (see Appendix 2).

6.49 In some cases arrangements are made by the theatrical, television and film producers to hire firearms for the purpose of their productions. It may be desirable in cases involving firearms to which section 1 of the 1968 Act applies to make it clear on the firearm certificate that the firearms specified may be hired only once unless second or subsequent hirings are authorised by specific variations of the certificate. In such cases the certificate might also bear a special condition (see Appendix 2).

6.50 Section 8(2)(a) of the 1968 Act enables the producer to part with the possession of the firearms to the persons taking part in the performance or production.

6.51 Section 12(1) of the 1968 Act does not authorise the possession of ammunition. In view of the exemption for blank cartridges not exceeding one inch in diameter, it is not an offence for persons taking part in a theatrical or television performance or rehearsal or the production of films to use such blank cartridges. A firearm certificate authorising the acquisition of firearms to which section 1 of the 1968 Act applies for the purposes specified in section 12, should not normally authorise the acquisition or possession of ammunition. In the absence of any relevant court rulings, chief officers of police will need to consider any applications on their individual merits, mindful of the need for consistent administration of the Acts.

6.52 There might be value in distinguishing between historical plays and presentations, where there are costumed characters in a public presentation for which firearms and blank ammunition may be needed as props and there is some form of script and rehearsals, and battle re-enactment, where it would be more likely that the exemption would not apply. However, under section 12 (2), as amended by section 23 (2) of the Firearms (Amendment) Act 1988, the Secretary of State or Scottish Ministers may authorise a person in charge of a theatrical or television performance

or rehearsal or the production of films to possess weapons prohibited under section 5 of the 1968 Act and also authorise selected other persons to have possession of those weapons while taking part in the performance, rehearsal or production.

Ship and hovercraft equipment

6.53 No certificate is necessary to authorise the possession of firearms and ammunition subject to section 1 of the 1968 Act on board a ship as part of the ship's equipment (section 13(1)(a) of the 1968 Act). A certificate is, however, required to acquire. Under section 13(1)(c) of the 1968 Act a police officer may issue a permit (Form 115) authorising the removal of a firearm to which section 1 of the 1968 Act applies (but not ammunition), to or from a ship for any purpose specified in the permit. A permit granted by a police officer does not permit the possession of prohibited weapons subject to section 5 of the 1968 Act.

6.54 Although there is no legal definition of what constitutes a "ship" within the 1968 Act, in the absence of a court ruling this effectively means a vessel designed to be ocean-going rather than one for travel on inland waterways.

6.55 Note: Article 4 of the Hovercraft (Application of Enactments) Order 1972, taken in conjunction with Schedule 1 to the Order provides, amongst other things, that any reference in the 1968 Act in whatever terms to ships, vessels, boats or activities or places connected therewith shall include a reference to hovercraft or activities or places connected with hovercraft.

Signalling apparatus on aircraft or at aerodromes

6.56 Section 13(1)(a) of the 1968 Act also applies to the possession of signalling apparatus (for example, Very pistols) and ammunition for it. Section 13(1)(b) of the 1968 Act provides for such apparatus and ammunition, which are part of the equipment of aircraft, to be stored in safe custody at an aerodrome and to be removed between the place of storage and the aircraft, or from one aircraft to another at an aerodrome, without the necessity for a certificate or permit.

6.57 A permit on Form 115 may be issued under section 13(1)(c) of the 1968 Act to cover any other case of removal of signalling apparatus. This permit is prescribed by the Firearms Rules 1998 – see rule 9(3) and Schedule 4 Part V.

6.58 A firearm certificate is necessary to authorise the purchase or acquisition of signalling apparatus and ammunition but this may be issued free of charge (see Chapter 19 on fees).

Birdscaring

6.59 In the main there are two types of firearm used for birdscaring, a necessary safety measure at airfields: a firearm designed as signalling apparatus and modified accordingly (for example, a modified Very pistol) or a firearm purpose-built for birdscaring, almost without exception 12 bore. Where the firearm was designed as signalling apparatus, it would not be prohibited under section 5(1)(aba) of the 1968 Act even though it was now being used for birdscaring. Persons wishing to purchase or acquire such firearms can also benefit from the provisions in section 32(3)(b) of the 1968 Act in that no fee is payable where the certificate relates solely to signalling apparatus which the applicant requires as part of the equipment of the aerodrome. The certificate should, however, be conditioned to the effect that the

firearm should be used only for signalling purposes and birdscaring (see Appendix 2).

6.60 Each person permitted to use the equipment requires a suitably conditioned firearm certificate authorising the possession and use of the weapon for birdscaring purposes. The weapon cannot be passed to non-authorised persons.

6.61 It should be noted that most cartridges used for these purposes contain a single projectile and are therefore subject to section 1 of the 1968 Act. Also, firearms specifically designed for birdscaring (not signalling) fall under section 5(1)(aba) of the 1968 Act (prohibited weapons) if they have a barrel less than 30cm, or are less than 60cm in overall length. Firearms specifically designed for birdscaring, and used for that purpose also attract a fee when held on certificate.

Chapter 7: Young people

7.1 This chapter explains how sections 22, 23, 24, 24ZA and 24A of the 1968 Act place restrictions on the purchase, hire, acquisition, possession and use of firearms by, and the transfer thereof to, young people. The subject of minimum age to carry a firearm or shotgun is complicated, therefore for ease of reference, Appendix 3 provides a summary of the legislative requirements in this area. It should be noted that the table in Appendix 3 is a legal summary and does not take into account issues around issuing firearms or shotgun certificates to those under eighteen.

General

7.2 You must be aged fourteen or over to have a firearm certificate. A person under eighteen is prohibited by section 22 of the 1968 Act from **purchasing or hiring** any firearm or ammunition (as defined by section 57 of the 1968 Act). Section 24A(1) of the 1968 Act also prohibits the purchase of imitation firearms by those under the age of eighteen.

This includes:

i. air weapons and ammunition for air weapons;

ii. imitation firearms, realistic imitation firearms and deactivated firearms;

iii. readily convertible replicas (as defined by section 1 of the Firearms Act 1982);

iv. smooth-bore guns;

v. shotgun cartridges;

vi. blank ammunition.

7.3 Section 24 makes it an offence to sell or let on hire firearms or ammunition to those under the age of eighteen. Section 24A(2) makes it an offence to sell imitation firearms to a person under the age of eighteen.

7.4 A person aged under eighteen may however acquire other than by purchase or hire, air weapons (and air weapon ammunition), shotguns or shotgun cartridges to which section 2 of the 1968 Act applies, and firearms or ammunition to which section 1 of the 1968 Act applies according to the provisions laid out in this chapter. An example of acquisition would be using a firearm under the supervision of a parent or guardian (provided they are of the correct age).

Exemptions for Section 1 & 2 Firearms

7.5 Section 11 and 11A of the 1968 Act relate to exemptions for sports, athletics and other approved activities. Where the person carrying or borrowing the firearm is under the age of eighteen, the exemption only applies if the person for whom the firearm is being carried, or the lender or servant in whose presence the borrowed

firearm is being used, is aged eighteen or over. Section 11(2) states that the race starting exemption is only available to persons aged eighteen or over.

Authorised lending and possession of firearms for hunting etc

7.6 Chapter 6 explains that section 11A of the 1968 Act allows a non-certificate holder ('the borrower') to borrow and possess a rifle or a shotgun from another person ('the lender') on private premises for either hunting animals or shooting game or vermin, and/or for shooting at artificial targets, but only if they meet a number of conditions:

i. in the case of a rifle, the borrower is aged 17 or over;
ii. the lender is aged 18 or over and holds a certificate for the borrowed firearm; and,
iii. the lender either has the legal right to allow others to enter the premises for hunting animals or shooting game or vermin; or,
iv. has written authorisation from such a person to lend the rifle or shotgun on the premises.

7.7 When lending a rifle or shotgun, the borrower's possession and use of the rifle or shotgun must comply with the conditions placed on the lender's certificate.

7.8 The lender must be present during the period during which the rifle or shotgun is borrowed. Alternatively, the borrower must be in the presence of another person who is aged 18 or over as described under either subsection 11A(5)(a) or (b) of the 1968 Act, provided that they hold a certificate in respect of the borrowed rifle or shotgun. The term "in the presence of" is not defined in law but is generally interpreted as being within sight or earshot.

7.9 Subsection 11A(6) further provides for the lawful purchase or acquisition and possession of ammunition by the borrower of a rifle on the same premises if:

- The ammunition is for use with the same firearm;
- The ammunition purchased or acquired by the borrower does not exceed the quantity of ammunition that the lender is authorised to possess at the time; and
- The borrower's possession and use of the ammunition complies with the conditions placed on the lender's certificate.

7.10 Section 11(6) of the 1968 Act allows an individual, without holding a shotgun certificate, to use a shotgun at a time and place approved for shooting at artificial targets (i.e. a temporary clay pigeon shoot) by the chief officer of police for the area in which that place is situated. There is no requirement for organisers of such events to become registered firearms dealers. As the approval of such time and place is prescribed by law, chief officers may wish not only to satisfy themselves that such events are properly conducted and supervised, but also to establish that there are no public safety issues involved. When an exemption is granted, the chief officer should advise the organiser that they are responsible for ensuring, so far as is practicable, that adequate precautions are taken for the safety of the participants and any spectators. Shoots at which participants hold certificates do not require an exemption under section 11(6). Organisers operating in conjunction with business, such as

corporate entertainment, will have additional responsibilities under the Health and Safety at Work Act 1974.

Air weapons in England and Wales

7.11 Section 22(1) of the 1968 Act makes it an offence for a person under the age of eighteen to purchase or hire any firearm or ammunition, and this will include air weapons and ammunition for air weapons.

7.12 Section 22(4) of the 1968 Act makes it an offence for a young person under the age of eighteen to have with them an air weapon or ammunition for an air weapon, other than when they are:

i. supervised by someone aged twenty-one or over (section 23(1));

ii. a member of an approved club while engaged as such in connection with target shooting (section 23(2)(a));

iii. at a shooting gallery where only air weapons or miniature rifles not exceeding .22 inch calibre are used (section 23(2)(b)); or

iv. aged fourteen or over and on private premises with the consent of the occupier (section 23(3)).

7.13 Section 24(1) of the 1968 Act was substituted by the Firearms (Amendment) Regulations 2010 (SI 2010/1759) with effect from 28 July 2010 and the revised provision makes it an offence to sell or let on hire any firearm or ammunition to a person under the age of eighteen. This includes air weapons. Under section 24(4) of the 1968 Act, it is an offence to make a gift, or part with possession, of an air weapon or ammunition for an air weapon to a person under the age of eighteen.

7.14 Section 24ZA of the 1968 Act makes it an offence for a person in possession of an air weapon to fail to take reasonable precautions to prevent any person under the age of eighteen years from having the weapon with him. This does not apply where the person under the age of eighteen years is permitted to have an air weapon with them under one of the exceptions set out in section 23 of the 1968 Act. The provisions of section 58(2) of the 1968 Act mean that the offence in section 24ZA does not apply to an antique air weapon held as a curiosity or ornament (see Chapter 8).

A defence to the offence in section 24ZA is provided where a person can show he had reasonable grounds for believing the other person to be aged eighteen or over.

7.15 The Firearms (Air Weapons) (England and Wales) Rules 2023 provide clarification in respect to section 24ZA(1) of the Firearms Act 1968, so that the ‘reasonable precautions’ a person must take “to prevent any person under the age of eighteen from having an air weapon with him” must include storing an air weapon when it is not in use or being cleaned, repaired, tested or in transit:

(i) securely to prevent, so far as is reasonably practicable, access to the air weapon by a person under the age of eighteen;

(ii) out of sight of a person under the age of eighteen; and

(iii) separately from compatible ammunition.

7.16 Under section 21A of the 1968 Act it is an offence for anyone of any age to have with him an air weapon and use it to fire beyond the boundary of the premises where they have permission to shoot.

7.17 The offence relating to adults (aged twenty-one years or over) supervising those under the age of eighteen is found in section 23(1). It is a defence under section 23(1A) for the supervisor to show that the only property into or across which the missiles were fired, were premises where the occupier of which had consented to the firing of the missile (whether specifically or by general consent). See also Chapter 21.

Air weapons in Scotland

7.18 Section 2 of the Air Weapons and Licensing (Scotland) Act 2015 makes it an offence for a person to use, possess, purchase or acquire an air weapon in Scotland without holding an air weapon certificate issued by Police Scotland.

7.19 Section 3 of the 2015 Act sets the minimum age to apply for an air weapon certificate at 14 years, and section 7 specifies mandatory conditions which must be attached to any certificate granted to a 14-17 year old. These mandatory conditions prohibit under-18s from purchasing, hiring, accepting a gift of or owning an air weapon and, additionally, limit their use of air weapons to certain activities such as target shooting or pest control on private land.

7.20 Section 24(2) of the 2015 Act makes it an offence to sell or transfer an air weapon to anyone who is not entitled to possess it either by holding a valid certificate, being a registered firearms dealer, or otherwise being exempt. If they hold an air weapon certificate then it must not bear a condition which would prevent the sale, eg the mandatory condition prohibiting purchase that is attached to all certificates granted to under-18s. Air weapons may also be sold to visitors to Scotland aged 18 and over, provided the weapon will be sent directly out of Great Britain or to a dealer in England or Wales for collection.

7.21 Schedule 1 of the 2015 Act sets out exemptions which permit the use of air weapons by under-14s in Scotland in certain situations, including on private land while being supervised by someone aged 21 or over who holds a valid air weapon certificate, or as a member of an approved air weapon club while being supervised by another club member aged 21 or over.

7.22 Section 30 of the 2015 Act makes it an offence for a person of any age to fail to take reasonable precautions for the safe custody of air weapons in their possession, or to fail to report the loss or theft of an air weapon to the police as soon as reasonably practicable.

7.23 For more detailed information about air weapons laws in Scotland please refer to the guidance issued by the Scottish Government: Air weapon licensing in Scotland: guide.

Acquisition and possession by young people

Shotguns

7.24 A person aged fifteen or over but under eighteen may acquire, other than by purchase or hire, shotguns to which section 2 of the 1968 Act applies, providing that they are in possession of a valid shotgun certificate.

7.25 Section 22(3) of the 1968 Act makes it an offence for any person under the age of fifteen to have an assembled shotgun with them unless:

i) they are under the supervision of a person aged twenty-one or over; or

ii) the gun is so covered with a securely fastened gun cover that it cannot be fired.

Note: i. the Act does not require the supervisor to be a certificate holder, though this is preferable. ii. See also paragraphs 7.6 to 7.9 explaining authorised lending and possession by young people.

7.26 The Act does not prohibit a person under the age of fifteen from having a shotgun certificate. The Act also does not exempt a person under the age of fifteen from the need to have a shotgun certificate in order to have an assembled shotgun in their possession on private land in the circumstances described above in 7.24(i). In such cases the parent, guardian or other responsible adult will supervise the young person and take responsibility for the gun when not in use.

7.27 Under section 24(3) of the 1968 Act it is an offence to make a gift of a shotgun, or ammunition for a shotgun, to a person under the age of fifteen. The effect of this provision is to ensure that persons under fifteen years of age may not be given guns of their own. It should be noted that the offence is committed by the giver of the shotgun, not the young person who receives it. A person under the age of fifteen may be taught to shoot. It is in the interests of safety that a young person who is to handle firearms should be properly taught at a relatively early age. Persons under the age of fifteen may either use a shotgun under existing exemptions set out in Chapter 6 or whilst holding their own shotgun certificate they may borrow one for 72 hours. Supervision by an adult aged twenty-one years or over applies in all circumstances.

Section 1 firearms

7.28 Section 22(2) of the 1968 Act prohibits persons under the age of fourteen from having with them any firearms or ammunition to which section 1 of the 1968 Act applies, except in circumstances where they are entitled by virtue of section 11(1) or 11(4) or section 15 of the Firearms (Amendment) Act 1988 to have possession of them without holding a firearm certificate. Note that section 11(3) of the 1968 Act was repealed by the Armed Forces Act 1996.

7.29 Other than the circumstances above, it is an offence under section 24(2)(b) of the 1968 Act to part with the possession of any firearms or ammunition to which section 1 applies to a person who is under the age of fourteen (although it is not an offence by the young person to receive them). It is also an offence under section 24(2)(a) to make a gift of or lend a firearm or ammunition to which section 1 applies to a person under the age of fourteen.

7.30 Section 24(5) of the 1968 Act provides that, in proceedings for an offence under any of the provisions in section 24 relating to the transfer of firearms to young persons, it is a defence to prove that the person charged with the offence believed the other person to be of or over the age mentioned in that provision and had reasonable grounds for the belief.

7.31 A person under fourteen may not be granted a firearm certificate in any circumstances. However, there may be occasions where a parent is granted such a certificate, or an existing certificate is varied, in respect of a child under fourteen, for example, where the child will be participating in competitive target shooting. In these instances, the child would be expected to provide the primary "good reason" for the possession of the firearm. Both the parent and the child would be subject to the necessary background checks.

7.32 A certificate can be granted authorising possession, as well as acquisition (for example, by borrowing or by receiving as a gift) to a person aged over fourteen but under eighteen. However, a firearm certificate may not be granted for the purchase and hire of firearms or ammunition to such a person.

7.33 A young person holding a firearm or shotgun certificate may reach the age of eighteen during the life of the certificate. In these cases, it must be made clear to the holder that they may not purchase any firearm or ammunition before the date of their eighteenth birthday. This advice should take the form of a notice added to the certificate (see Appendix 2).

7.34 When a parent or other adult wishes to purchase a firearm to which section 1 of the 1968 Act applies for presentation to a young person between the ages of fourteen and under eighteen, both the adult and the young person must be in possession of certificates, or other lawful authority (for example, as would be given to a member of a cadet corps). The adult will need the authority to enable them to purchase, and the young person to enable them to acquire and possess the firearms and ammunition. The same principle would apply to a shotgun to which section 2 of the 1968 Act applies for presentation to a young person between the ages of fifteen and eighteen. In some cases the parent or other adult may wish the firearm to appear on both certificates for reasons of joint storage. However, the supervisor of a young person over the age of fourteen need not be a certificate holder.

Imitation firearms

7.35 Section 24A of the 1968 Act makes it an offence for anyone aged under eighteen to purchase an imitation firearm and for anyone to sell an imitation firearm to someone aged under eighteen.

7.36 "Imitation firearm" is defined in section 57(4) of the Firearms 1968 as "any thing which has the appearance of being a firearm (other than such a weapon as is mentioned in section 5(1)(b) of this Act) whether or not it is capable of discharging any shot, bullet or other missile". It will ultimately be for the courts to decide whether an item falls within this definition but clearly it will apply to the purchase and sale of realistic imitation firearms where this is allowed under one of the statutory defences (see Chapter 2). It will also apply to non-realistic imitations which nevertheless have "the appearance of being a firearm". This could include some children's toys although many toys will look so different from a firearm they might not be regarded as an imitation at all (for example, some of the more futuristic looking space guns). Where a toy is considered to be an imitation firearm, the purchase will have to be

made by a parent or other person aged over eighteen.

7.37 There is a defence for anyone charged with the offence of selling an imitation firearm to someone under the age of eighteen, where he can show that he had reasonable grounds for believing the purchaser to be eighteen or over – for example, by seeing credible proof of age.

Deactivated firearms

7.38 Section 38(7) of the Violent Crime Reduction Act 2006 defines a deactivated firearm as an 'imitation firearm': a firearm which has been rendered incapable of discharging a shot, bullet or other missile, (as opposed to a 'realistic imitation firearm'). Therefore by virtue of section 24A of the 1968 Act, a deactivated firearm must be bought by or sold to someone aged eighteen or over (see also paragraph 2.15).

Arrangements for the storage of firearms held on a certificate by under 18s

7.39 Where a firearm certificate holder is under the age of eighteen, Rule 3(4)(iv)(c) of the Firearms Rules 1998 (as inserted by rule 2 of the Firearms (Amendment) (No.2) Rules 2019) requires arrangements to be made for an adult to assume responsibility for the secure storage of the firearms and ammunition to which the certificate relates.

7.40 The person assuming responsibility must be either the certificate holder's parent or guardian, or a person aged 18 or over who is authorised to have possession of such firearms and ammunition. It may not always be necessary for the parent or guardian to also have a firearms certificate if arrangements are made for the firearm to be secured in a cabinet with two separate locks which can only be opened when both key holders are present and one of the key holders is a certificate holder.

7.41 Rule 5 of the Firearms Rules 1998 makes similar provision in respect of shotguns held by a shotgun certificate holder who is under the age of 18. Again, the person assuming responsibility will either be the holder's parent or guardian, or a person aged 18 or over who is authorised to have possession of such shotguns

7.42 Police forces will add a condition on secure storage to certificates when an application for grant, variation or renewal is received in respect of a person aged under 18.

Chapter 8: Antique firearms

8.1 Under section 58(2) of the 1968 Act, antique firearms which are sold, transferred, purchased, acquired or possessed as a curiosity or ornament are exempt from most of the controls in the 1968 Act, including the need for certification and being able to trade in them without being registered with the police as a firearms dealer. Previously, the Act did not define "antique firearm" but section 126 of the Policing and Crime Act 2017 created a statutory definition of "antique firearm" by inserting new subsections (2A) to (2H) into section 58, which define an antique firearm by reference to its date of manufacture, the type of cartridge it was designed to use, and by reference to its propulsion system. These descriptions are specified in the Antique Firearms Regulations 2021 ("the 2021 Regulations").

The statutory definition

8.2 The requirement for an antique firearm to be sold, transferred, purchased, acquired or possessed as a curiosity or ornament, in order for the exemption in section 58(2) of the 1968 Act to apply, is unchanged and continues to apply in all cases.

8.3 Under section 58(2), an "antique firearm" is a firearm that meets the following conditions:

a) either its propulsion system is of a specified type (see paragraph 8.4 and section 58(2C) of the 1968 Act) or the chamber or chambers are those that the firearm had when it was manufactured (or is a replacement that is identical in all material respects) and the firearm is chambered for use with a specified cartridge (see paragraph 8.5 and section 58(2B) of the 1968 Act); and

b) it was manufactured before a specified date (see paragraph 8.8 and section 58(2D)(b)).

Propulsion systems

8.4 A firearm can be regarded as an antique if its propulsion system is of a specified description (see section 58(2C) of the 1968 Act). Regulation 3 of the 2021 Regulations specifies the following types of propulsion system:

a) any propulsion system which involves the use of a loose charge and a separate ball (or other missile) loaded at the muzzle end of the barrel, chamber or cylinder of the firearm and which uses an independent source of ignition. This covers muzzle-loading firearms;

b) any propulsion system in a breech-loading cartridge firearm which uses an ignition system other than rim-fire or centre-fire. For example, this would include pin-fire and needle-fire ignition systems, as well as lip fire, cup-primed, teat fire and base fire systems;

c) any propulsion system which involves the use of rim-fire cartridges (other than .22 (5.58 mm), .23 (5.8 mm), 6mm or 9mm rim-fire cartridges) in a breech-loading firearm; or

d) any propulsion system for an air weapon (England and Wales only). This does not include prohibited air weapons or air weapons of a type declared specially dangerous.

Obsolete cartridges

8.5 Under section 58(2B) of the 1968 Act, a firearm can also be regarded as an antique if:

a) its chamber (or each of its chambers, if it has more than one) is either a chamber it had when it was manufactured or it is a replacement for such a chamber that is identical to it in all material respects; and

b) its chamber (or each of its chambers) is designed for use with a specified type of cartridge, whether or not it is also capable of being used with other cartridges. Regulation 2 and the Schedule to the 2021 Regulations specify those cartridges.

8.6 The Antique Firearms (Amendment) Regulations 2021 corrected an omission from the 2021 Regulations by adding to paragraph 5 of the Schedule (cartridges for vintage rifles, punt guns and shotguns) cartridges with bores greater than 10. The Amendment Regulations also made a number of minor and typographical corrections to the descriptions of other cartridges specified in the Schedule.

8.7 The cartridges specified in the Schedule to the 2021 Regulations are arranged according to the type of firearm (longarm or pistol) for which they were designed. However, this is for ease of reference and it is possible that a cartridge listed under one firearm type was also designed to be used with another firearm type. The cartridges specified in the Schedule comprise a single list and provided the requirements of section 58(2) - read together with the 2021 Regulations - are met and the cartridge appears somewhere in the Schedule, the firearm can be regarded as antique.

8.8 Further information on the cartridges listed in the Schedule to the 2021 Regulations, including variations in their descriptions, can be found in published sources.

Date of manufacture

8.9 To be regarded as an antique, a firearm must have been manufactured before the date specified in regulation 4 of the 2021 Regulations, which is 1 September 1939 (see also section 58(2D) of the 1968 Act).

Changes to the previous list of obsolete cartridges

8.10 Home Office guidance previously included the following cartridges in the obsolete calibre list, which made them acceptable as qualifying a firearm as antique. However, following their use in crime, the Government decided not to include them in the list of obsolete cartridges in the Schedule to the 2021 Regulations. This

meant that from 22 March 2021, all firearms chambered for use with these cartridges ceased to be regarded as exempt antiques and became subject to the controls in the 1968 Act, including certification and the need to be registered as a firearms dealer to trade in them.

.320 British (also known as .320 Revolver CF, short or long)

.41 Colt (short or long)

.44 Smith and Wesson Russian

.442 Revolver (also known as .44 Webley)

9.4mm Dutch Revolver

10.6mm German Ordnance Revolver

11mm French Ordnance Revolver M1873 (Army)

8.11 The list of obsolete cartridges in the Schedule to the 2021 Regulations, means that from 22 March 2021, firearms which are chambered for use with these cartridges and which meet the other statutory criteria for antique firearms, are exempt from licensing control and can be possessed without a firearm certificate or, where relevant, a section 5 authority and/or the need to be registered as a firearms dealer.

Ammunition

8.12 Ammunition does not benefit from the exemption for antique firearms, and the possession of live ammunition suitable for use with an otherwise antique firearm may indicate that the firearm is not possessed as a curiosity or ornament.

Firearms of modern manufacture

8.13 The exemption for antique firearms does not apply to firearms manufactured on or after 1 September 1939. Fully working modern firing replicas of old firearms, eg those used to fire blanks by historical re-enactment societies but capable of firing live ammunition, would not qualify as antique firearms and must be held on certificate.

Occasional firing

8.14 An antique firearm can only be held as a curiosity or ornament and cannot be fired. However, they can be added to a firearm or shotgun certificate for the purposes of collection and occasional firing. Where the ‘good reason’ for possession is collection and not target shooting, section 44 of the Firearms (Amendment) Act 1997 requiring membership of a club to be named on the certificate is not applicable. Where a person has an antique firearm which they wish to fire for test, research, re-enactment, target shooting or competition purposes, no test of frequency of use should be applied when assessing good reason to possess: the primary reason for possession will be collection.

8.15 An antique firearm may be brought on to a certificate or removed from time to time or when there is a change of ownership. A signed statement of intent by the owner to the local police firearms licensing department should be sufficient to effect the necessary change of status when required. A variation fee would become payable

where an ‘antique’ is brought onto certificate to allow it to be fired, unless a ‘one for one’ variation is sought. In the latter case, it should be borne in mind that mostly only mass-produced muzzle-loading arms had standardised bore sizes. Therefore, a variation for a craft-made muzzle-loader may require finding a suitable example before the calibre can be ascertained. As this may take some time, some latitude may be given over the time taken for such ‘one for one’ variations.

Air weapons

8.16 In England and Wales, air weapons that are not ‘specially dangerous’ as defined in the Firearms (Dangerous Air Weapons) Rules 1969, are not subject to certificate control. However, section 3 of the 1968 Act requires anyone who sells or transfers such air weapons by way of trade or business to register with the police as a firearms dealer. Old air weapons that meet the definition of an antique firearm are exempt from control and therefore it is not necessary to register as a dealer in order to sell or transfer such weapons. Appendix 4 contains guidance on the most common types of air weapon manufactured before 1939.

8.17 As set out in section 58(2E) of the 1968 Act, the definition of antique firearm does not apply to air weapons in Scotland, where responsibility for air weapons is devolved to the Scottish Government.

Provisions of the 1968 Act which apply to antique firearms

8.18 The following provisions of the 1968 Act apply to firearms which are otherwise exempt as antiques:

section 19 – offence of carrying a firearm in a public place without lawful authority or reasonable excuse;

section 20 – offence of trespassing with a firearm;

section 21 – persons prohibited from possessing firearms;

Schedule 3 – jurisdiction and procedure on application for removal of prohibition under section 21; and

any other provision of the 1968 Act, so far as it applies to an offence under sections 19, 20 and 21.

Chapter 9: Historic handguns

9.1 Section 5 of the 1968 Act prohibits any firearm which either has a barrel less than 30cm in length or is less than 60cm in length overall. Prohibited weapons can only be possessed with the authority of the Secretary of State. However, section 7 of the 1997 Act provides an exemption for ownership of certain classes of historic handguns by private individuals providing certain conditions are met.

9.2 This chapter provides guidance on how section 7 might be applied in practice. Decisions about whether the terms of section 7 have been met and the discretion to grant or refuse a firearm certificate rests with chief officers of police, as set out in the 1968 Act. The interpretation of the law remains a matter for the courts.

9.3 If a person wishes to possess a handgun under section 7, the chief officer of police must be satisfied that the firearm is one to which the provisions of section 7 apply. The burden therefore rests with the owner to provide evidence that the handgun concerned falls within the scope of section 7. This guidance sets out the issues and the evidence which the police may wish to consider in deciding whether to grant a firearm certificate in these circumstances.

Section 7 of the 1997 Act

9.4 The text of section 7, as amended by The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999 (SI 1999/1750), is as follows:

Section 7: Firearms of historic interest:

(1) The authority of the Secretary of State or the Scottish Ministers is not required by virtue of subsection (1)(aba) of section 5 of the 1968 Act for a person to have in his possession, or to purchase or acquire, or to sell or transfer, a firearm which—

(a) was manufactured before 1st January 1919; and

(b) is of a description specified under subsection (2) below,

if he is authorised by a firearm certificate to have the firearm in his possession, or to purchase or acquire it, subject to a condition that he does so only for the purpose of its being kept or exhibited as part of a collection.

(2) The Secretary of State may by order made by statutory instrument specify a description of firearm for the purposes of subsection (1) above if it appears to him that—

(a) firearms of that description were manufactured before 1st January 1919; and

(b) ammunition for firearms of that type is not readily available.

(3) The authority of the Secretary of State or the Scottish Ministers is not required by virtue of subsection (1)(aba) of section 5 of the 1968 Act for a person to have in his possession, or to purchase or acquire, or to sell or transfer, a firearm which—

(a) is of particular rarity, aesthetic quality or technical interest, or

(b) is of historical importance,

if he is authorised by a firearm certificate to have the firearm in his possession subject to a condition requiring it to be kept and used only at a place designated for the purposes of this subsection by the Secretary of State or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998).

(4) This section has effect without prejudice to section 58(2) of the 1968 Act (antique firearms).

9.5 In broad terms, section 7 of the 1997 Act divides historic handguns, other than antiques and muzzle-loaders, into two classes: those which may be kept at home without ammunition, and those which may be kept and fired at a designated secure site.

9.6 Set out below is an explanation of how the terms of section 7 might apply in practice.

Historic handguns which might be kept at home

9.7 The police may grant a firearm certificate for a firearm to be kept at home (as opposed to at a designated site) under the terms of section 7(1) if the normal criteria for the grant of a certificate are satisfied and if the firearm meets all of three tests:

(i) it must be of a kind for which the Secretary of State has decided that ammunition is not readily available in the UK;

(ii) the actual gun (not just the make or model) must have been manufactured before 1 January 1919; and

(iii) the certificate must be subject to a condition that the gun must be kept or exhibited as part of a collection.

9.8 Section 7(2) gives the Secretary of State the power to list by Statutory Instrument those firearms to which section 7(1)(b) applies and therefore do not require an authority from the Secretary of State or Scottish Ministers. These represent both those cartridges used in rifles and carbines which can be purchased lawfully, and those calibres in common international circulation which are regularly used in crime

in the UK. The Firearms (Amendment) Act 1997 (Firearms of Historic Interest) Order 1997 (SI 19997/1537) is made under this power, and states that the following types of firearm are subject to section 7(1):

All small firearms as defined by section 5(1)(aba) of the Firearms Act 1968 (small firearms) except those chambered for the following types of ammunition. These are set out in The Firearms (Amendment) Act 1997 (Firearms of Historic Interest) Order 1997 (Statutory instrument 1997/1537) as follows:

- 22” rim-fire
- .25” ACP/6.35mm
- .25” – 20
- .32” ACP/7.65mm
- .32” – 20
- .32” Smith & Wesson Long
- 7.62mm Soviet Tokarev
- .38” 40 Winchester
- .380 ACP/9mm short
- 9mm Luger/Parabellum/9x19mm
- .38 Smith & Wesson
- .38” Special
- .38-200
- .44” Special
- .44” – 40 Winchester
- .45 ACP
- .45” Colt Revolver

9.9 This is a statutory provision, and any gun chambered for the above types of ammunition cannot benefit from the provisions of section 7(1) and (2). The police have no power to waive the terms of the Statutory Instrument and allow firearms of these chamberings to be kept at home. Likewise, further ammunition can only be declared “readily available” by the Secretary of State. Handguns covered by the list would include, for example, the Browning Models 1900, 1906 and 1910, the Colt 1917 in .45” ACP, the Mauser c96 in 9mm Parabellum, the P08 Luger in 9mm, and the Webley 1906 as the ammunition for these may be available. However, guns of these types might benefit from the terms of section 7(3).

9.10 As well as being a type for which ammunition is not readily available, the individual gun (not just the make or model) must have been manufactured before 1 January 1919. This date was chosen to include both guns of the First World War era and the work of the smaller gunsmiths in the UK or abroad who ceased production before or during the Great War. This is a statutory requirement, and the police cannot grant a firearm certificate for a pistol made after this date to be kept at home under section 7(1). The police will therefore wish to be satisfied that the gun falls within this category.

9.11 Certain types of gun stopped being made before 1919. These would include the following:

Adams	revolvers
Colt:	Model 1873 and Model 1878 revolvers in .450, .455 and .476 calibre
Enfield	Mk I and Mk II .476 service revolvers
Kynoch	revolvers
Lancaster	four and two-barrelled pistols (“howdah pistols”)
Smith & Wesson	Model No.3 revolver in .450, and .455 calibre
Smith & Wesson	.22 rim-fire tip-up Model 1 First, Second and Third Issues. [These can be identified by the barrel being tipped upwards before the cylinder can be removed for reloading].
Smith & Wesson	Hand Ejector in .450 and .455 calibres
Tranter	revolvers
Webley	No.4 and No. 4 1/2 (the Webley Pryse revolver)
Webley	Kaufman
Webley	All WG models - 1889, 1891, 1892, 1893 1896, Army and Target
Webley	pistols chambered for .455 self-loading (SLP) (semi-rimless) cartridges
Wilkinson & Webley	Wilkinson revolvers Pryse type, 1892, 1900 and 1905 (a few model 1911s were made after 1918 (see 9.13 below).
Dutch	10mm model 1894

Section 7(1) category

9.12 Certain types of gun were made only from 1919 and would not fall into this category. Examples would be the following:

Astra:	400, 600 and 900 pistols
Beretta:	M 1934 pistol M 1935 pistol
Browning FN:	Model 1922 pistol, Model 1935 (also known as GP, Grand Puissance or High Power) in 9mm Parabellum
Colt:	Official Police and Detective Special revolvers
Enfield:	Service revolvers No. 2 MkI, MkI* and MkI**
Frommer:	Model 37 pistol
MAB:	Model D pistol
Mauser:	Model 1934 pistol and Model HSC pistol
Radom:	VIS 35 pistol
Sauer:	Model 38 H pistol
Smith & Wesson:	Military & police model revolver - version in .38 S &W (.38-200)
Star:	Model B pistol
Tokarev:	Model TT 33 pistol
Walther:	Model PP and Model PPK pistols, P38 pistol in 9mm Parabellum
Webley:	Small frame (put in to distinguish from large frame Mark IV made from 1899 to c. 1904) Mark IV revolver in .22LR, .32S&W Long &.38 S&W (.38-200)
Unique:	M17 pistol

9.13 The manufacture of certain models continued beyond 1918. In these cases, the main record of whether an individual example was made before 1919 will be the serial number. Set out below is a table of the more common guns spanning this

period and the serial numbers. Please note that guns in “readily available” calibres are not eligible for Section 7(1) status even if they are made before 1919: the information below should be read in conjunction with paragraph 9.21 below.

Make	Model	Calibre	Pre-1/1/1919 serial number
Astra	Campo Giro M 1913 pistol	9mm largo	8,038
Colt	Single Action Army (Frontier, in.44/40)	.45 & .44/40*	337,200
Colt	Army Special & Officers	.38 Special	431,999
Colt	New Service (Army, Navy, Marine)	.45 Colt	170,499
Colt	US Model 1917	.45 ACP	139,350 (on base of butt)
Colt	Pocket Positive	.32 (various)	84,999
Colt	Police Positive	.22 Long Rifle	15,899
Colt	Police Positive	.32 (Various)	142,999
Colt	Police Positive	.38 S&W	99,999
Colt	Police Positive Special	.38 Special &.32/20	161,999
Colt	Models 1902 Military & 1903 Pocket	.38 ACP	40,499
Colt	Model 1903 Hammerless	.32ACP/7.65mm	289,999
Colt	Model 1908 Hammerless	.380ACP/9mm short	33,499
Colt	Model 1908 Hammerless	.25ACP/6.35mm	192,499
Colt	US Model 1911 (Military :unprefixed no)	45ACP	580,600
Colt	Government Model (commercial) (serial number prefixed C(.45) or W(.455))	.45ACP &.455 SLP	106,800
Colt	Target Model	0.22	6,499
FN	Model 1900	7.65mm	715753
FN	Model 1903	9mm BL	39493
FN	Model 1906	6.35mm	507695
FN	Model 1910	7.65mm & 9mm short	734587
Luger	Military Models	9mm Parabellum	Year over chamber
Luger	Commercial Models	9mm Parabellum	76,500
Luger	Swiss 1900/06	7.65mm Parabellum	15,215
Mauser	M 1914 pistol	7.65mm	185,414
Mauser	M 1910 pistol	6.35mm	199,000

Mauser	C 96 “Broomhandle”	7.63mm or (9x25)	430,000
Mauser	C96 “Broomhandle” 140mm barrel	7.63mm or (9x25)	433,000
Sauer	M 1913 Old Model pistol	7.65 & 6.35mm	85,467
Smith & Wesson	Perfected Hand ejector (HE) (M frame)	.22 Long Rifle	25,975
Smith & Wesson	Regulation Police &.32 HE (I frame)	.32 S&W Long	272,198
Smith & Wesson	Safety Hammerless	.32 S&W	215,501
Smith & Wesson	Military & Police (K frame)	32/20	80,422
Smith & Wesson	.35 Automatic	0.35	7,490
Smith & Wesson	Safety Hammerless	.38 S&W	245,934
Smith & Wesson	Double Action Perfected	.38 S&W	57,701
Smith & Wesson	Military & Police (K frame)	.38 Special	292,004
Smith & Wesson	Regulation Police (I frame)	.38 S&W	5,781
Smith & Wesson	.44 Military/.44 Target (N frame)	.44 Special	15,598
Smith & Wesson	US Model 1917 (N frame)	.45ACP	145,832
Webley	Solid frame, often mark’d Bulldog, RIC etc)	Various	102,148
Webley	Hinge frame pocket Mark II & III	.380	21,899
Webley	WP hammer and hammerless	.32	3,019
Webley	Fosbery	.38 ACP and .455	4,339
Webley	MkVI & WS Army/WS Target and Webley Wilkinson 1911	.22 & .455	430,959*
Webley	Self-loading	.25, .32, .380, .455, 9mm BL .38HV (.38ACP)	119,171
Webley	Self-loading (Navy and RHA)	0.455	8,000

Note: If chambered for an obsolete calibre the above Webleys would be Section 58(2). Some Webley Wilkinson 1911 models were made after 1918. All Webley Wilkinson 1911s were numbered in the same series as the Mark VI and WS. During the years 1931 to 1939 Webley renovated and re-numbered over 700 Mk 6 service revolvers which were originally made pre-1919. These revolvers will be found between serial numbers 453101 and 455067 inclusive. Specific information may be obtained from Arms Research Co.

9.14 Other firearms were assembled from parts made before 1919 and where evidence can be shown that this was the case then these firearms may also benefit from section 7(1) and be held as such.

9.15 Some manufacturers applied an assembly number, and/or a serial number associated with a particular contract, to each of their firearms. This was in addition to the manufacturer's conventional serial number. Confusion over serial numbers is most likely to occur with Smith & Wesson revolvers. Where there is doubt about the correctness of any serial number, specialist advice should be obtained.

9.16 In the case of guns that are not listed above, it is open to the owner to present evidence on the date of manufacture of the gun concerned. The police may wish to consider the following kinds of evidence where this is available:

(i) The calibre of firearm listed on the firearm certificate;
(ii) A factory letter from the makers setting out the date of manufacture;
(iii) Extracts from standard reference works giving the date of manufacture of the model;
(iv) An insurance or dealer's valuation setting out the details of the gun.

9.17 Guns where there have been extensive replacement of components, using parts manufactured after 1 January 1919, should not generally be regarded as having been made before 1919. This would include guns with pre-1919 frames but most other working parts made after that date. However, minor repair work or the replacement of a single part would not invalidate the original date of manufacture.

Part of a collection

9.18 The terms of section 7(1) of the 1997 Act require that the person must be authorised by a certificate, subject to a condition that he only possesses, purchases, or acquires it for the purpose of its being kept or exhibited as part of a collection. As this is a statutory requirement, the police must be satisfied that the collection is genuine, rather than merely a device to get round the terms of the Act. The same principle applies where a section 7(3) application depends upon the firearm forming a part of a collection (see paragraphs 9.19 and 9.25 (iv)). See Chapter 12 for further information on collecting firearms.

9.19 In deciding whether a gun is part of a collection, the police will wish to consider the following points:

(i) A "collection" of firearms will normally have to consist of several related firearms of historic interest, rather than only one or two guns (but see (iii) below about being part of a larger collection of other artefacts). For example, these might be other firearms to which section 7(1) of the 1997 Act might apply, guns held at a designated site under section 7(3) of the 1997 Act, or firearms under section 1 or section 2 of the 1968 Act, or "antique" firearms held under the terms of section 58(2) of the 1968 Act, or muzzle-loading guns. These should all be part of a coherent collection, rather than held for game-shooting or other purposes.

(ii) The collection would be expected to be of historic interest, rather than simply of personal or sentimental interest to the owner. Owners would normally be expected to produce supporting evidence, for example a letter from a national museum or a relevant society or interest group, that the collection was of genuine historic value.

(iii) A firearm could be possessed under this section if it is part of a collection of

other artefacts so long as the firearm is a significant component of the collection. This may be the case where the firearm forms a small part of a larger and established collection of related historic items, for example those relating to a famous historical figure. The police may reject “collections” of other artefacts put forward mainly to support the possession of a single firearm;

(iv) Genuine collectors of firearms for their own interest will often, though not always, be established members of the learned societies in this field, for example the Historical Breechloading Smallarms Association or the Vintage Arms Association;

(v) The collection will usually need to be established and substantial before a firearm certificate with a section 7 condition is granted. The police will not normally grant a certificate for a single gun to begin a collection, unless there is very strong evidence that this will, in a short period of time, form part of a larger collection (although some collectors may have smaller collections). It should be recognised that since 1997, the availability of this category of firearm is much reduced and hence it may not be easily or quickly acquired;

(vi) If a firearm certificate is granted in respect of a collection, the police will wish to consider applications to acquire further historic firearms on individual merits. In particular, the police will wish to be satisfied that any new guns will form a proper part of the existing collection which may have more than one theme;

(vii) Anyone wishing to begin a collection will have to provide evidence of a genuine and well-established interest in historic firearms (see also (v) above).

9.20 If the gun falls into the above category and forms part of a genuine collection, then it might be eligible to be kept at home without ammunition. The term ‘at home’ is a term used in this guidance rather than set in legislation. Section 7(1) of the 1997 Act refers to a certificate allowing the firearm to be in the person’s possession. If the gun does not fall into the above category, or if the owner wishes to fire the gun, then section 7(3) may apply. While the term “at home” is used to distinguish these guns from those held at a designated site, this does not preclude the owner from removing the guns under the authority of their certificate, for example to take them to an auction, or an exhibition of historic arms or illustrate a lecture. Notification to police is only required where this is a condition of the certificate. Such a condition is not standard and would need to be agreed and where used, carefully worded for the circumstances.

9.21 The certificate allows the certificate holder, not other people, to possess the firearm. Therefore, if other people possess the firearm, they would be committing an offence under section 1 of the 1968 Act. Whether or not handling constitutes possession will depend upon the circumstances and the context. The cases of Hall v Cotton 1987 and Woodage v Moss 1974 provide some principles as follows:

i. Possession can include having a firearm under your control without it being in your physical possession, or in your home e.g. if someone keeps a firearm in a locked cabinet in their relation’s house.

ii. The concept of possession includes both proprietary and custodial possession, i.e. both ownership/control and physical possession. There is a distinction between custody and possession, so proprietary possession and custodial possession are two different concepts.

iii. A person can remain in "possession" of a firearm within the meaning of section 1 at a time when he is not physically in control of it.

iv. The concept of possession has never been exhaustively defined in English law. Its precise meaning can vary according to the context and according to the Act of parliament in which the question arises.

9.22 It should be noted that section 7(3) of the 1997 Act can be used for collecting purposes, either as an extension of a section 7(1) collection, or in its own right. "Relevance to a collection" can be a factor in deciding on the acceptability of a firearm under section 7(1) or 7(3). Thus, for instance, a comprehensive collection of British military revolvers could, for example, be expected to include what was once a relatively common .38 Enfield of the 1930s or 1940s alongside a rare .476 Enfield Mark I of 1879.

Firearms to be stored at a designated site

9.23 Section 7(3) of the 1997 Act provides that owners keep and use their guns at a site designated by the Secretary of State if they hold a firearm certificate issued by their local police. In order to qualify for this exemption, a gun must meet the criteria set out in section 7(3). Being authorised by a certificate to acquire a firearm subject to a section 7(3) exemption is specific to a particular firearm. It should not be a "blanket" authority to acquire any firearm to which this exemption applies. In cases of older handguns which do not have a serial number, the make, model and calibre would be sufficient information.

9.24 In reaching a decision as to whether a firearm falls within the terms of section 7(3), the police may wish to consider how all of the criteria set out in that section might apply. A firearm might qualify for the exemption under several related headings; for example an old gun of unusual design of which very few examples survive will meet several criteria. However, each criterion stands in its own right, and the police need only be satisfied that the gun falls within one of the criteria in order for it to be included. In assessing each gun, the police will wish to consider the following four criteria: (i) historical importance; (ii) aesthetic quality; (iii) technical interest; and (iv) particular rarity.

Historical importance

9.25 A firearm might be considered to be of historical importance if it meets any of the following criteria. It should be borne in mind that historic can include more recent history;

i. A firearm owned by a famous historical figure would probably be counted as historically important in itself. Famous figures would include senior military officers, members of royal families, famous statesmen and leaders, or famous sporting figures, or soldiers or civilians decorated for service in which the firearm was carried. Any provenance would have to be clearly established and supported;

ii. Guns owned by lesser-known figures would not generally benefit from this exemption, unless they had a significant campaign history. The police may not wish to grant a certificate in respect of a firearm held by a family member simply because it is an heirloom, unless it is a "trophy of war" carried or acquired on active service. An exemption to this would be if the original or later owner was involved in events of historic importance, for example a battle or campaign, and if there is evidence of the involvement of the owner and their firearm;

iii. If a firearm is from a historic era and location rarely found in British collections, then the police may wish to consider whether the gun is of historic importance as well as particular rarity;

iv. If the police are satisfied that a gun forms part of a genuine and established collection, then they may wish to consider whether a firearm is of historical importance as an integral part of that collection see paragraph 9.18-9.22, bearing in mind that an established collector may have more than one theme to their collection;

v. Guns which would be exempt "antiques" under the terms of section 58(2) of the 1968 Act but for their being fired are likely to be of "historic interest" for these purposes but not necessarily so;

vi. In most cases guns made before 1919 may be considered of "historic importance" in themselves due to their age and rarity;

vii. Conversely, guns manufactured after the Second World War may be less likely to be held to be of historic interest in themselves, in as far as they are more likely to have survived in numbers although numbers surviving were reduced following the handgun ban in the 1997 Act. Nevertheless, as with (vi), there may be special cases which will need to be assessed individually on their merits, as the firearm may be of historic interest to collectors and deserve preservation in its own right. For example, this might include more recent weapons used in Afghanistan or Iraq.

Aesthetic quality

9.26 This may be taken to mean firearms that differ significantly from factory standard in a way intended to enhance their appearance. This will normally involve substantial enhancement or decoration and at least a fair standard of craftsmanship. An elegant but essentially functional design such as the Colt .45 "Single Action Army" would not generally fall within this heading unless it has had factory or after sales work undertaken to it in order to differentiate it, such as engraving or ornamental grips.

9.27 It is not practicable within this exemption to judge the aesthetic standards or tastes of different generations and cultures. A Victorian pistol with elaborate decoration might fall within this category even if it might not conform to contemporary preferences. Note should also be taken of the case of Kendrick v Chief Constable of West Midlands Constabulary (2000) in which a modern presentation gun was held not to be of "aesthetic quality".

9.28 While opinions are subjective, the police must ensure that a firearm in this category meets objective criteria. This might include evidence that the financial value of the firearm has been significantly raised through its artistic quality, for example from an insurance or other independent valuation.

Technical interest

9.29 While most firearms will be of some technical interest, it may be taken that the intent of section 7(3) of the 1997 Act is to preserve firearms of especial, rather than common, technical interest. This category might include guns with design features which were distinctive and not widely copied in other guns. For example, the 1893 Borchardt self-loading pistol. It may be expected that most firearms of technical interest would also be of some rarity.

9.30 Examples might include guns with unusual mechanisms, such as the Webley Fosbery Selfcocking revolver, the Dardick .38 model 1500 with its triangular rounds or the mechanical repeaters and Lancaster multi-barrelled pistols of the Victorian era. Technical adaptations might include, for example, the Spanish JoLoAr cavalry pistol designed for operation with one hand, or the Finnish Lahti 9mm with its powerful mechanism designed to overcome the effects of Arctic cold.

Particular rarity

9.31 Section 7(3) of the 1997 Act provides that the firearm must be of particular rarity, rather than merely uncommon. The status of the gun will depend on a number of factors, including any distinctive markings, place of manufacture or service history. Patent and experimental models which were never manufactured in commercial or military quantities would be considered rare, such as the Gabbett Fairfax Mars self-loading pistol or the Mannlicher 7.6mm M1894 self-loading pistol. The condition of the gun and the retention of original accessories would not normally make it rare in itself, but would be a factor to consider in judging the overall status of the gun. If the firearm is from a particular or specific personal commission from a manufacturer this should be considered when judging rarity. Many firearms have increased in rarity since the introduction of the 1997 Act and this should be borne in mind when making decisions relating to rarity.

9.32 Collections of historic firearms in the UK include examples of most firearms found worldwide. If a pistol is rarely found in the UK then it will generally be rare in international terms and thus probably worthy of preservation.

9.33 The following makes and models of gun from the 1919-1945 period would not normally be considered rare, unless the individual example had clear distinguishing characteristics.

9.34 Applications submitted in this category may be considered on their individual merits:

Astra:	Models 400, 600 and 900
Beretta:	M 1934 pistol in 9mm short and M 1935 pistol in 7.65mm
Browning FN:	Model 1935 (also known as GP, Grand Puissance or High Power) in 9mm Parabellum
Colt:	Model 1911 in .45 ACP, Model 1903 Pocket Hammerless in.32ACP, Model 1908 in .25ACP, Model 1908 in .380ACP,

	Model 1917 revolver in .45"ACP, Official Police, Police Positive, Police Positive Special, Detective Special
CZ:	M27 7.65mm pistol
Enfield:	Service .38 No2 (including Albion-made) revolvers (all marks)
Frommer:	Model .37 pistol in 7.65mm
Luger:	(see "Parabellum")
MAB:	Model D pistol in 7.65mm
Mauser:	Model 1934 pistol in .32ACP, Model HS c pistol in .32ACP
'Parabellum-type':	P 08 nominal 4" barrel 9mm pistol marked S/42 byf(Mauser)
Radom:	VIS 35 pistol in 9mm Parabellum
Sauer:	Model 38 H pistol in 7.65mm
Smith & Wesson:	"Military and Police" (K frame) –version in .38 S&W (.38-200)
Star:	Model B pistol in 9mm Parabellum
Tokarev:	Model TT 33 pistol in 7.62mm
Walther:	Model 8 pistol in 6.35, Model PP and Model PPK pistols in .32 and .380ACP, P38 pistol in 9mm Parabellum

Parabellum

Unique:	Model 17 pistol (Kriegsmodell)
Webley:	Mark IV revolver in .38 S&W (.38-200) calibre, though several variants might qualify as "rare"

9.35 Guns made after 1945 may not generally be considered rare or of historic interest in themselves. However, exemptions to this would be models of which only a few examples were made, or now exist in the UK, for example the Jurek, the Sterling revolver and the Victory Arms Co self-loading pistol. Also those incorporating innovative production techniques or designs may be considered rare and therefore warrant preservation.

Designated Sites

9.36 Sites designated by the Secretary of State under section 7(3) of the 1997 Act for the keeping and use of historic pistols are as follows:

i. The National Shooting Centre, Bisley Camp, Surrey
ii. The Barbican Armoury, Brancepeth Castle, County Durham
iii. The Leicester Shooting Centre, Leicester
iv. The Tameside Shooting Centre, Greater Manchester
v. The Wednesbury Marksmen, West Midlands
vi. Lincolnshire Shooting Centre, Lincolnshire
vii. Bedfordshire County Rifle and Pistol Association
viii. Hertfordshire & Essex Shooting Association
ix. The Hastings 1066 Rifle & Pistol Club, Sussex
x. Rifleman Firearms Target Shooting Club, Somerset
xi. The Marylebone Rifle and Pistol Club, London
xii. The Target Sports Centre, Dorset

9.37 Further sites may be designated.

9.38 Section 7(3) does not authorise the possession of firearms outside the designated site. If the owner wishes to remove the gun (for example to transfer it to another designated site) this will normally require a carrier holding the Secretary of State's authority under section 5 and prior police authority to amend the certificate conditions stipulating the new designated site or "at home" if the gun is a firearm

falling within section 7(1) that had been held at a designated site and is being removed by the owner. Also where a section 7(3) firearm is of a type that could be held as a firearm within the definition in section 58(2) of the 1968 Act, but for the fact of it being held for firing at a designated site, the status of the firearm can be changed back to section 58(2) so as to allow the owner to remove it from the designated site. This change in status also applies to firearms that qualify for section 7(1) of the 1997 Act so that they can also be transported by their owners. The change in status will require the permission of the licensing authority prior to the movement of the firearms. The change in status of such a firearm should be made by a letter to the licensing authority.

9.39 The main purpose of section 7(3) of the 1997 Act is to allow guns of historic interest to be preserved and studied, including occasional shooting. It is not intended to allow for competitive target shooting, and nor is there any obligation on owners to fire their guns or regularly visit the site.

Dealers

9.40 Registered firearms dealers who wish to trade in historic handguns will need to obtain authority from the Secretary of State under section 5 of the 1968 Act.

Ammunition

9.41 It must be noted that the section 7(3) exemption does not cover ammunition. Therefore a section 5 authority under the 1968 Act would be needed for prohibited ammunition and a firearm certificate would be required for ammunition within section 1(1)(b) of that Act. Most handgun ammunition will fall within section 1. Where a certificate holder wishes to fire their firearm held under section 7(3) of the 1997 Act, the ammunition for that firearm should be kept at the designated site. However, where the certificate holder does not possess any section 7(1) handguns in that chambering, section 1 ammunition may be held at home. The certificate should be so conditioned.

9.42 If the ammunition is not easily available, then arrangements can be made for the certificate holder to “hand load” at the site. The basic machinery (usually a single stage press) for this will be provided at the site but the appropriate dies, powders, primers, bullets and cartridge cases should be supplied by the certificate holder. Where ammunition is available, then arrangements should be made for it to be transferred to the site by the supplier for the use of the certificate holder. Home loading of ammunition for firearms falling under section 7(3) of the 1997 Act should be possible if the certificate holder does not also hold a firearm falling under section 7(1) of that Act in the same chambering.

Chapter 10: Firearm Certificate Procedure

10.1 This chapter provides an overview of the firearm certification procedure. It should be read alongside the Statutory Guidance for Chief Officers of Police.

10.2 Firearms law and licensing is in place to allow the legitimate possession and use of firearms by those judged safe to do so. The overarching consideration in all firearms licensing is public safety. Please see Chapter 11 for the certificate procedure for shotguns.

Application

10.3 Unless exempt from the certificate requirement, persons who wish to possess, purchase or acquire firearms or ammunition to which section 1 of the 1968 Act applies should complete the prescribed application form (Form 201). By virtue of the Rehabilitation of Offenders Act 1974 (Exemptions) Order 1975, the provisions of the Rehabilitation of Offenders Act 1974 do not apply to an applicant for a firearm certificate. An applicant is, therefore, not entitled to withhold information about a previous conviction on the grounds that it is for other purposes spent under the 1974 Act. This includes motoring offences, bind overs, cautions and convictions in and outside Great Britain, and (by virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975) convictions which are spent under the 1974 Act. A conditional discharge and an absolute discharge both count as convictions for this purpose. Details of parking offences do not need to be declared.

10.4 Applicants are required to enter the calibre and type of firearm(s) and ammunition to be purchased or acquired. The information will normally need to be specific and not cover a range of calibres or a generic group such as .22 CF (centrefire). Form 201 does not require the serial number to be given of the firearm(s) that the applicant wishes to purchase or acquire, as this information is not normally available. There is an exception to this: applicants may include, where available, the identification number of a handgun being acquired under section 7(1) or section 7(3) of the 1997 Act. Normally, the identification number or other identifying mark will be entered by the transferor in Table One at the back of the firearm certificate.

10.5 The 1998 Rules, as provided for in section 26(2) of the 1968 Act, require an application for the grant or renewal of a firearm certificate to be accompanied by one photograph. Ordinary passport style photographs (sized 45mm x 35mm) are suitable for this purpose. A digital photograph must be used for online applications.

10.6 Where the applicant is under 18, any enquiry should normally be conducted in the presence of a legal guardian. Where this is not reasonably possible, for example with a student at a boarding school, another responsible adult must be present and the parents or guardian should be consulted.

Representatives of Foreign States and Commonwealth countries

10.7 A person who enjoys diplomatic privilege, whether representing a government or international organisation, is expected to hold a certificate in respect of any firearm to which section 1 of the 1968 Act applies, which is used or carried outside the confines of the embassy, consulate or similar establishment. The principles which normally govern the granting of certificates should be observed. The Diplomatic Privileges Act 1964 and the Vienna Convention on Diplomatic Relations 1961 exempt diplomats from payment of the certificate fee. Diplomatic privileges have also been extended to some international bodies, for example the International Maritime Organisation. Any enquiries about the status of such an organisation or its employees should be referred to the International Organisations Team, Diplomatic Missions and International Organisations / Ceremonial Unit, Protocol Directorate, Foreign, Commonwealth & Development Office.
Email: Protocol.Enquiries@fcdo.gov.uk

Prescribed Conditions

10.8 The Firearms Rules 1998 prescribe certain conditions subject to which firearm certificates shall be held, the main object of which is to impress upon certificate holders the importance of ensuring the safe custody of firearms and ammunition. Failure to comply with certain conditions may result in revocation, however each case must be determined on its merits. A firearm certificate shall be granted or renewed subject to the following conditions:

(i) the holder must, on receipt of the certificate, sign it in ink with his/her usual signature;

(ii) the holder of the certificate must, inform the chief officer of police by whom it was granted as soon as reasonably practicable, but within 7 days of the theft, loss or destruction in Great Britain of the certificate and/or the theft or loss, deactivation or destruction of any firearms to which this certificate relates and/or the theft or loss of ammunition to which this certificate relates;

(iii) the certificate holder must, without undue delay, notify any change of permanent address to the chief officer of police who granted the certificate;

(iv) a fourth condition relates to the safe custody of firearms and ammunition and is as follows:

a) the firearms and ammunition to which the certificate relates must at all times (except in the circumstances set out in paragraph b) below) be stored securely so as to prevent, so far as is reasonably practicable, access to the firearms or ammunition by an unauthorised person;

b) where a firearm or ammunition to which the certificate relates is in use or the holder of the certificate has the firearm with him/her for the purpose of cleaning, repairing or testing it or for some other purpose in connection with its use, transfer or sale, or the firearm or ammunition is in transit to or from such a place in connection with its

use or for any other purpose, reasonable precautions must be taken for the safe custody of the firearms or ammunition;

c) where the holder of the certificate is under the age of eighteen, arrangements must be in place for ensuring that either the holder's parent or guardian or a person aged eighteen or over who is authorised under the principal Act to have possession of such firearms and ammunition to which the certificate relates assumes responsibility for the secure storage requirements set out at a) above.

10.9 See also Chapter 18 concerning the security of firearms and ammunition.

Conditions attached by chief officers of police

10.10 Section 27(2) of the 1968 Act gives the chief officer of police powers to attach conditions to firearm certificates where necessary. In the case of 'R v Wakefield Crown Court ex parte Oldfield (1978)' the court gave expression to the common law requirement that a person must exercise individual judgement in all cases. Section 29(1) of the 1968 Act gives the chief officer power to vary, by a notice in writing, any such condition not prescribed by the rules made by the Secretary of State. The notice may require the holder to deliver the certificate to the chief officer within twenty-one days for the purpose of amending the conditions. The certificate may be revoked if the holder fails to comply with such a requirement.

10.11 Possible conditions which may be applied are listed at Appendix 2 as a guide to firearms licensing officers. They should only be used, where the individual circumstances require it for public safety. Exceptionally, chief officers of police may impose other conditions appropriate to individual circumstances. As the courts have held ('R v Cambridge Crown Court ex parte Buckland, 1998') that there is no right of appeal against the imposition of conditions (as opposed to a refusal to grant or renew a certificate) chief officers will wish to be cautious in imposing conditions that might amount to a constructive refusal to grant or renew a certificate, that is, additional conditions that would make possession or use so difficult as to be redundant in practice. There is a right of appeal against a decision to refuse to vary the existing conditions attached to a firearm certificate (section 29 of the 1968 Act), but not against the initial decision to impose conditions.

10.12 Every effort must be made to limit the number of additional conditions imposed on a firearm certificate and ensure that they are not contradictory. Care should be taken, however, to ensure that all 'good reasons' for which a firearm is possessed are allowed for, for instance stalking and target shooting.

10.13 There is no requirement to establish 'good reason' for additional conditions or the addition of quarry species to an existing condition where 'good reason' already exists for the possession of a firearm in the first instance (see Chapter 12). Firearms should be conditioned to provide flexibility with quarry shooting by allowing all lawful quarry (see Appendix 2).

10.14 Conditions setting out arbitrary time limits for acquiring firearms and ammunition should not be imposed. However, the chief officer may during the life of a certificate or at the time of certificate renewal enquire why an authority to acquire has not

been exercised and consider that part of the renewal in the light of the reason given. It should be borne in mind that a collector may face difficulty in finding examples of collectible or heritage firearms suitable for their collections and that a time limit should not apply where reasonable attempts to procure the firearm(s) concerned are being or have been made.

10.15 Chief officers of police are empowered to impose conditions if they think that the circumstances of the individual case mean that the condition is necessary to ensure the effective operation of the firearms controls and to minimise the risk to public safety. Forces should note that those conditions relating to otherwise prohibited firearms and ammunition such as expanding ammunition for pistols are statutory. The chief officer does not have discretion to grant a certificate for such firearms and ammunition beyond the terms of the statutory exemptions for these items.

Territorial Conditions on use

10.16 A territorial condition restricts the areas where a firearm may be used by a person who holds a firearm for sporting purposes or for the shooting of problem wildlife It is important that there should be standardisation of practice amongst forces and for this purpose it is recommended that new certificate holders should be limited to land considered suitable by the chief officer. When a chief officer is satisfied that a certificate holder has gained sufficient competence with a particular calibre or class of firearm the less restrictive condition may be considered appropriate (see Appendix 2). In all circumstances the “any lawful quarry condition” should be applied (see Appendix 2).

Land Inspection

10.17 This is covered in detail in Chapter 12.

Zeroing

10.18 Zeroing is the process of adjusting the sights of a rifle so that the aim corresponds to the mean point of impact at the chosen distance. When the sights are harmonised, the bullet impacts where the shooter is aiming. Any small change either to the rifle or to the ammunition used will change the impact point of the bullet and necessitate re-zeroing. Those managing wildlife must be allowed to zero their equipment. The relevant parts of the appropriate condition in Appendix 2 should be added to a certificate of somebody who is permitted to possess a firearm for these purposes.

(Section 1) Smooth-bore guns

10.19 In the case of an application in respect of a smooth-bore gun to which section 1 of the 1968 Act applies, it will not be necessary for specific areas of land over which the applicant has permission to shoot to be examined where section 2 shotgun cartridges are used. See Appendix 2 for relevant conditions for shooting of vermin, practical target shooting disciplines or other forms of target shooting.

Completion of Certificates

10.20 The information that must be included on a firearm certificate- Form 202, is as specified in the Firearms Rules 1998. The following parts of the certificate are to

be completed by the police before it is sent to the applicant:

(a) the number of the certificate;

(b) the commencement and expiry dates of the period of validity. A firearm certificate is valid for a period of five years;

(c) the name and address of the holder;

(d) the date of birth of the holder;

(e) the details (including the description or identification number where known) of each of the firearms in the applicant's possession;

(f) the details of each of the firearms the applicant is authorised to acquire;

(g) the amount of ammunition the applicant is authorised to possess;

(h) any such conditions which pertain to the firearms or ammunition to which the certificate relates;

(i) the official crest of the police force issuing the certificate together with the signature of the chief officer of police; and

(j) Owing to the differences in the firearms licensing database used in Scotland, the firearm certificate issued there is slightly different to those issued in England and Wales. The content of the certificate in both jurisdictions, however, is identical. This difference is allowed for under rule 2(f) of the Firearms Rules 1998.

10.21 The certificate does not require the identification numbers of those firearms authorised to be purchased or acquired to be entered, (see paragraph 10.4).

10.22 If there are a number of people with good reason to share property and a gun cabinet, permission can be provided to all parties to acquire. In these circumstances, the buyer/ recipient should have the seller/donor complete Table I of his/her certificate. It is the buyer's responsibility to endorse the certificates of all those who have shared access/joint ownership. All individuals with shared access/joint ownership will need to arrange for their certificates to be amended accordingly. Notification is still required on every written transfer.

10.23 The certificate requires the following entry as to ammunition:

- the maximum amount authorised to be possessed at any one time.

Renewals

10.24 According to section 27(3) of the 1968 Act, the test for renewal of a firearm certificate is the same as the test for the grant, i.e. the test in section 27(1). Section 28A(1) of the same Act states that the certificate shall continue in force for 5 years from the date when it was granted or last renewed. Thus, the wording of section 28A(1) means that the 5 years start to run from the date when the certificate was granted or renewed, not from the date when the previous certificate elapsed.

Limited extension of certificates

10.25 Where an application is made to the police for the renewal of a certificate at least 8 weeks before the certificate is due to expire, but the police are unable to decide the application before the certificate expires, section 28B of the 1968 Act automatically extends the validity of the certificate for a period of 8 weeks or until the police decide the application, whichever occurs first. The certificate's terms and conditions will continue to apply during this period..

10.26 In the event that the application for renewal is subsequently granted, any period for which the certificate continued in force under section 28B will be treated for the purposes of section 28A(1) as part of the period for which the renewed certificate is in force, meaning that the total renewal period of a renewed certificate would be 5 years.

10.27 In the event that the application for renewal cannot be determined before the extended certificate expires, police forces may continue to issue a temporary permit to the applicant under section 7 of the Firearms Act 1968 authorising their continued possession of firearms and ammunition to which the expired certificate applies. Section 7 permits issued in these circumstances can allow for the continued possession of the firearms and ammunition that are specified on the applicant's expired certificate but not the acquisition or purchase of additional firearms or ammunition.

Coterminous certificates

10.28 Section 11 of the Firearms (Amendment) Act 1988 allows the life of a shotgun certificate to be reduced so that it expires on the same date as the applicant's firearm certificate. A reduced fee is payable so long as the shotgun certificate is renewed and made coterminous at the grant or renewal of a firearm certificate. There is no reduced fee when the applicant is applying for grant or renewal of a shotgun certificate but requests the expiry date to coincide with the firearm certificate expiry date.

Replacement and renewal of certificates granted in another police area

10.29 A certificate is renewed by the chief officer of police for the area in which the holder resides (section 28A(1) of the 1968 Act). If applicants are staying only temporarily in a police area and reside elsewhere, they should be referred to the chief officer of police of the area of their usual residence. If an applicant has residences in different police force areas, it is for the individual to decide which force issues their certificate. However, one police force will not normally issue a firearm certificate and another shotgun certificate for the same individual.

10.30 Resident usually means having accommodation available for use, and not, for example, rented out (Burdett v Joslin, Chief Constable Warwickshire). HM Forces personnel stationed abroad would not normally be issued with a certificate as they are not resident in one particular force area. As above, their parents' or other family address would only be acceptable where it is available for their use. The case of Mills-Owens v Chief Constable of the Hampshire Constabulary (2003) is authority for the proposition that a person can have more than one residence, but residence at any particular home has to be established on the facts of a particular case by evidence.

10.31 Where a certificate holder moves to another police area, the chief officer of police who receives notification of the change of address should send the complete records to the chief officer for the area to which the certificate holder has moved. The chief officer of the force area that the person has moved to should amend the certificate and inspect the security of the new premises. When notification of a change of address to another police area is received, the chief officer of police of that area should be sent the relevant documents, or copies of them, and a reference to the removal should be retained by the issuing force. The certificate holder should retain the original certificate until such time as the new force is able to issue a replacement whereupon it should be exchanged.

Replacement certificates

10.32 Section 32 of the 1968 Act states that a fee is payable to replace a certificate which has been lost or destroyed. A certificate should be replaced without fee if it is very dirty, mutilated, or lacks space for further legible entries to be made. The old certificate should not be returned to the holder.

Application for variations (section 29(2) of the 1968 Act)

10.33 If a certificate holder wants to vary the certificate allowing them to possess or acquire firearms or ammunition, they must apply to the chief officer of police who issued the certificate.

10.34 The application form for the variation of a firearm certificate (Form 201V) should be used for applications to vary a certificate. The certificate holder should submit their firearm certificate, along with the completed Form 201V, and, where appropriate, the fee, to the firearms licensing department. A fee is payable only in respect of variations which increase the number of firearms to which the certificate relates: if the holder wishes to dispose of one firearm and replace it with another then no fee is payable. It is not normally necessary to re-examine the applicant's circumstances, but this may be necessary in individual cases. Although no time limit is normally placed on acquiring the firearm to which the variation applies, failure to do so over a reasonable period, without good reason, may be taken as lack of genuine intention. As referred to in 10.14, chief officers should take into account any difficulties collectors may face in finding examples of collectible or heritage firearms suitable for their collections. Time limits should not apply where reasonable attempts to procure the firearm(s) concerned are being or have been made.

10.35 Each case should be dealt with on its merits and, provided that the "good reason" and security requirement is met for each firearm, no general limit

should be applied in considering any of the following ("good reason" should not be confined to need nor equated with desire – see Chapter 12):

a) number of rounds of ammunition to be held (but see broad guidelines on ammunition amounts in Chapter 12);

b) total number of firearms to be held;

c) number of firearms per calibre; or

d) time by which firearms should be purchased.

"One for one" variations

10.36 A variation is always necessary if a certificate holder wishes to change one of the firearms, even if they wish to purchase one identical to the one they are selling (Wilson v Coombe, Queen's Bench Divisional Court, July 1988). "One for one" variation refers to firearms that are authorised to be acquired following the disposal of a firearm or a request to change an existing authority to acquire. There is no set time in which the certificate holder must apply for a replacement authority once their firearm is disposed of. The keeping of open authorities indefinitely should be discouraged, subject to a collector seeking particular firearms. Applications for "one for one" variations should be made by the certificate holder submitting their firearm certificate together with a completed Form 201V to the police firearms licensing department. Such variations are processed free of charge. In most cases, it will not be necessary to re-examine the applicant's circumstances. Further enquiries will be necessary, however, if for example the application is for a change of use or for a full-bore firearm when the holder's shooting club only has facilities for small-bore shooting.

Variation/Renewal

10.37 Police forces can consider whether to renew a certificate when an application for variation is made near to the certificate expiry date, that is, within two months. The certificate runs from 5 years from the date on which it was granted or last renewed. Variations requested at the time of renewal do not attract a fee.

Revocations and Cancellations

10.38 A firearm certificate may be revoked by the chief officer of police for the area in which the holder resides, on the grounds specified in section 30A(2)-(5) of the 1968 Act. The courts also have the power under section 52(1) of the 1968 Act to cancel certificates. Forces must give specific reasons for their decision to revoke a firearm certificate. Section 30A(6) of the 1968 Act provides a right of appeal against the decision to revoke in accordance with section 44 of the same Act.

10.39 Where a chief officer has serious concerns about a certificate holder's continued access to firearms, prompt action must be taken to ensure no preventable harm is caused to public safety. This may involve the certificate holder being invited to surrender their firearms voluntarily pending a review of their continued suitability. The police have powers to seize firearms, shotguns and ammunition where there

is an immediate threat to life, but there is no specific power for the police to enter property and to seize firearms or ammunition where there was a justification for reviewing suitability to hold a firearm certificate. In such circumstances, the police will normally need to rely on either a voluntary surrender by the certificate holder or by seeking a warrant from a Magistrate (or Sheriff in Scotland) under section 46 of the Firearms Act 1968. When firearms are surrendered or seized, ammunition and the certificate must also be seized and stored securely and safely by the police or by a Registered Firearms Dealer. A properly itemised record and photograph must be provided in all cases detailing the firearms, accessories and ammunition removed.

10.40 Following surrender or seizure of firearms, a full review should be carried out as soon as is practicable following the principles set out in Chapter 3 of the Statutory Guidance, and the certificate holder should be advised of the result of the review as soon as possible. The certificate holder must be kept informed of the progress of the review at frequent and regular intervals recognising, for example, that in some cases the firearms may be required for the certificate holder's work. Particular care must be taken to ensure that firearms are not returned where this may create any risk to public safety. Should the review conclude that there is no danger to public safety or the peace, the firearms, ammunition and certificates should be returned promptly, subject to the relevant authorisation.

10.41 When chief officers of police revoke certificates they must serve on the holder a written notice requiring them either to:

a) surrender their certificate within 21 days of the date of the notice (or the date of the abandonment or dismissal of the appeal against revocation); or where the chief officer considers that the circumstances of the case justify it

b) surrender forthwith their certificate and any firearms and ammunition in their possession by virtue of the certificate as set out in section 12 of the Firearms (Amendment) Act 1988.

10.42 Sections 42A, 42B and 56 of the 1968 Act reflect that any notice to be given under that Act to a person may be given by signed for and special delivery post or by electronic means such as email or fax. A certificate holder who fails to comply with such a notice is liable to a penalty. Where email is used as a means of notification, it is good practice to request acknowledgement of receipt in order to confirm safe receipt. Personal service of the notice to revoke, whenever practicable, gives the person an opportunity to discuss the matter and might help to reduce the number of appeals to the Crown Court.

10.43 When a certificate has been cancelled by a court order under section 52 of the 1968 Act, or revoked by the chief officer of police after the holder has failed to comply with a notice under section 29(1) of the 1968 Act (requiring them to deliver up the certificate for variation), the chief officer must send the holder a notice in writing (see above). Under section 12(1) of the 1988 Act, a chief officer may only send a notice which requires the recipient to comply with it immediately after the firearm certificate has been revoked on the grounds specified in section 30A(2)-(4) of the 1968 Act (as amended). Revocation on these grounds does not preclude the use of option (a), and it should only be necessary to use option (b) when a delay in the certificate holder relinquishing their certificate and firearms would pose a direct danger to themselves, public safety or to the peace. Section 12(1) should not be used where firearms and certificates are already in police possession.

10.44 Under section 30B of the 1968 Act, chief officers of police may partially revoke certificates, that is to say revoke those parts of certificates that relate to the possession or acquisition of particular firearms or ammunition, if they are satisfied that the holder no longer has a "good reason" for having in his possession, or for purchasing or acquiring, the firearms or ammunition concerned to which the partial revocation relates. Where this is necessary, the chief officer should normally give notice of intention, as they would with a full revocation, citing the reasons for the revocation. Note that there is no power of partial "refusal to renew". The section 12(1) power will be applicable if there is a revocation under 30A(2),(3) or (4) or section 30C after a partial revocation under section 30B. But if there has only been a partial revocation under section 30B, then the power in section 12(1) of the 1988 Act won't apply. Section 12(1) is expressed as a discretion i.e. the chief officer of police may require the certificate holder to surrender the certificate and firearms immediately, but the chief officer of police is not duty bound to do so.

10.45 The certificate holder has a right of appeal and the police can only retain the firearms and ammunition if they have been surrendered due to a notice served under section 12(1) of the 1988 Act. Otherwise the firearms and ammunition will need to be released during an appeal period to a suitably authorised person acting on behalf of the owner. Section 12(1) of the 1988 Act does not apply in a case where the certificate has been partially revoked under section 30B of the 1968 Act. If the appeal against revocation succeeds, any firearms and ammunition surrendered by virtue of section 12(1) must be returned to the appellant at the earliest opportunity. On the dismissal of an appeal, the court may make such order for disposal of any surrendered firearm as it thinks fit. Unless such an order is made, the applicant retains title to the firearms. Care should be taken in the transport and storage of guns concerned, which may have considerable monetary value in some cases.

10.46 If no appeal is brought, or if the appeal is abandoned, the firearms and ammunition should be disposed of in a manner agreed with the owner, who retains title. In the absence of an agreement chief officers of police must take all reasonable steps to ensure the guns are deposited with a suitably authorised person so that the owner can decide on whether to store or realise value etc. Disposals and failure to take reasonable steps may leave chief officers liable to charges of conversion. Should all reasonable avenues be exhausted, the police must then give the owner notice in writing of how they intend to dispose of the firearms and ammunition and the owner may appeal against the decision of revocation or partial revocation in accordance with section 44 of the 1968 Act. The court may then either dismiss the appeal or make such order as to the disposal of the firearms and ammunition as it thinks fit. In all cases, the police should keep records of how and where firearms have been disposed.

Police Records and Procedures

10.47 In England and Wales, police forces use the National Firearms Licensing Management System (NFLMS) to administer firearms licensing. Police forces can record on NFLMS the nominal details of all applicants and certificate holders and the status of those certificates including firearms possessed and further details such as how they are stored. It should be noted that whilst NFLMS is the system used in England and Wales, this does not apply in Scotland. In the event of a certificate holders' death, a permit in order to dispose of the certificated arms may be issued to the Executor or their nominated agent.

10.48 If there is an appeal, the fact and result should be noted on NFLMS. Results of police inquiries and intelligence information relevant to the certificate holder's circumstances should be integrated within the records. Care should be taken to ensure consistency in recording the types of firearms. If a firearm certificate is revoked (section 30A of the 1968 Act, as updated by section 40 of the 1997 Act) or cancelled (section 52(1) of the 1968 Act), this should, be reflected on NFLMS.

10.49 It may not always be practicable to recover the certificate where an individual has gone abroad. If the certificates are recovered, the records can be restricted to what may be worth keeping permanently, but the certificate should first be checked against the record and against any notices of sale received under sections 32 to 35 of the 1997 Act.

Chapter 11: Shotgun Certificate Procedure

11.1 This chapter provides an overview of the shotgun certificate procedure. It should be read alongside the Statutory Guidance for Chief Officers of Police.

Introduction

11.2 Shotgun certificates are the mechanism for licensing smooth-bore guns that do not require firearm certificates (see Chapter 2). The shotgun certificate differs from the firearm certificate in that it authorises a person to have in their possession, purchase, or to acquire, an unlimited number of shotguns without the need for approval in respect of individual guns.

11.3 The certificate must specify the description of the shotguns to which it relates, including, if known, the identification number of the guns. Shotguns held on loan for less than 72 hours do not have to be entered on Table 2 of the certificate, nor does notification of temporary transfer have to be given by either party.

11.4 Although a shotgun certificate is not required in order to possess or acquire shotgun cartridges used with section 2 shotguns, the production of a certificate (the original not a photocopy) is necessary as required by section 5 of the Firearms (Amendment) Act 1988 (see paragraph 5.14) in order to purchase such cartridges (unless the purchaser can show that they are entitled to possess a shotgun without a certificate, is a registered firearms dealer, or is a person who sells such cartridges by way of trade or business). Ammunition not exempted by section 1(4) of the 1968 Act may be possessed or acquired only by a firearm certificate holder. A person may purchase shotgun ammunition for a certificate holder, if they produce that person's certificate, together with written authority from the certificate holder to purchase the ammunition for them. Note that this section (section 5 of the 1988 Act) only applies to sales.

Application

11.5 An application for a shotgun certificate must be made in the prescribed form (Form 201) to the chief officer of police for the area in which the applicant resides. By virtue of the Rehabilitation of Offenders Act 1974 (Exemptions) Order 1975, the provisions of the Rehabilitation of Offenders Act 1974 do not apply to an applicant for a shotgun certificate. An applicant is, therefore, not entitled to withhold information about a previous conviction on the grounds that it is for other purposes spent under the 1974 Act. This includes motoring offences, bind overs, cautions and convictions in and outside Great Britain, and (by virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975) convictions which are spent under the 1974 Act. A conditional discharge and an absolute discharge both count as convictions for this purpose. Details of parking offences do not need to be declared.

11.6 The application form does not require applicants to provide details of the shotguns to be purchased or acquired, though an applicant for renewal must give details of the guns currently possessed. It is a legal requirement to send a notification of a transaction involving a shotgun to the firearms licensing department via recorded or permitted electronic means within seven days of the transfer. See also paragraph 11.3 regarding 72 hour loan.

11.7 The Firearms Rules 1998, as provided for in section 26(2) of the 1968 Act, require an application for the grant or renewal of a shotgun certificate to be accompanied by one photograph. Ordinary passport style photographs (sized 45mm x 35mm) are suitable for this purpose. A digital photograph must be used for online applications.

11.8 An applicant is informed in the notes on the form that unless instructed otherwise by the police, they should post or take the completed form with the fee and photograph to their local police firearms licensing department.

Conditions on Shotgun Certificates

11.9 Section 28(2)(a) of the 1968 Act provides that a shotgun certificate shall be granted or renewed subject to any prescribed conditions and no others. The 1998 Rules as amended, together with other relevant provisions set out on the certificate, provide that a shotgun certificate shall be granted or renewed subject to the following conditions:

(i) the holder must, on receipt of the certificate, sign it in ink with his/her usual signature;

(ii) the holder of the certificate must, inform the chief officer of police by whom it was granted as soon as reasonably practicable, but within 7 days of the theft, loss or destruction in Great Britain of the certificate and/or the theft or loss, deactivation or destruction of any shotguns to which this certificate relates;

(iii) the holder of the certificate must, without undue delay, inform the chief officer of police by whom the certificate was granted of any change in his/her permanent address;

(iv)

a) that any shotgun to which the certificate relates must at all times (except in the circumstances set out at (b) below) be stored securely so as to prevent, as far as is reasonably practicable, access to the shotguns by an unauthorised person;

b) where a shotgun to which the certificate relates is in use or the holder of the certificate has the shotgun with him/her for the purpose of cleaning, repairing or testing it or for some other purpose connected with its use, transfer or sale, or the gun is in transit to or from a place in connection with its use or any such purpose, reasonable precautions must be taken for the safe custody of the gun (see Chapter 18 for additional information);

c) where the holder of the certificate is under the age of eighteen, arrangements must be in place for ensuring that either the holder's parent or guardian or a person aged eighteen or over who is authorised under the principal Act to have possession of such shotguns to which the certificate relates assumes responsibility for the secure storage requirements set out at a) above.

11.10 The prescribed conditions for shotgun certificates are similar to those prescribed for firearm certificates. When notification of a change of address to another police area is received, the chief officer of police of that area should be sent the relevant documents, or copies of them, and a reference to the removal should be retained by the issuing force. The certificate holder should retain the original certificate until such time as the new force is able to issue a replacement whereupon it should be exchanged.

11.11 It should be noted that chief officers of police are not empowered (as they are with firearm certificates) to impose any conditions of their own on shotgun certificates. However, rule 5(5) of the 1998 Rules and section 5A(3) of the 1968 Act (as amended) provides that when a shotgun which is disguised as another object, is possessed, purchased or acquired by the holder of a shotgun certificate for the purpose only of its being kept or exhibited as part of a collection, the certificate shall be subject to an additional condition restricting the use of that shotgun to use for that purpose. The most common shotgun of this kind will be the walking-stick shotgun or the umbrella shotgun.

Completion of certificates

11.12 Shotgun certificates must be in the prescribed form (Form 204). The following parts of the certificate are to be completed by the police before it is sent to an applicant:

a) the number of the certificate;

b) the commencement and expiry dates of the period of validity. A shotgun certificate is normally valid for a period of five years (but see paragraph 11.16 about coterminous certificates);

c) the name and address of the holder;

d) the date of birth of the holder;

e) the details (including the description or identification number where known) of each of the shotguns currently in the applicant's possession; and

f) the official crest of the police force issuing the certificate together with the signature of the chief officer of police and the date when the certificate was issued.

Limited extension of certificates

11.13 Where an application is made to the police for the renewal of a certificate at least 8 weeks before the certificate is due to expire, but the police are unable to decide the application before the certificate expires, section 28B of the 1968 Act automatically extends the validity of the certificate for a period of 8 weeks or until the police decide the application, whichever occurs first. The certificate's terms and conditions will continue to apply during this period.

11.14 In the event that the application for renewal is subsequently granted, any period for which the certificate continued in force under section 28B will be treated for the purposes of section 28A(1) as part of the period for which the renewed certificate is in force, meaning that the total renewal period of a renewed certificate would be 5 years.

11.15 In the event that the application for renewal cannot be determined before the extended certificate expires, on an exceptional basis and where unavoidable, police forces may issue a temporary permit to the applicant under section 7 of the Firearms Act 1968 authorising their continued possession of firearms and ammunition to which the expired certificate applies. Section 7 permits issued in these circumstances can allow for the continued possession of the firearms and ammunition that are specified on the applicant's expired certificate but not the acquisition or purchase of additional firearms or ammunition. These permits should not be used routinely to benefit applicants who do not submit timely renewal applications e.g. less than 8 weeks, unless in exceptional circumstances. The police must be satisfied that the issue of a section 7 police permit does not give rise to any public safety risk, which can normally only be determined after full consideration of their renewal application. Therefore, section 7 permits issued to provide more time to consider a renewal application should only be on an exceptional basis and where unavoidable.

Coterminous certificates

11.16 Section 11 of the Firearms (Amendment) Act 1988 provides for chief officers of police to grant or renew a shotgun certificate for a period such that it will expire at the same time as the holder's firearm certificate. The purpose of this provision is to enable both renewal procedures to be carried out at the same time, with a consequent saving to the police and the certificate holder. A firearm certificate holder applying for the grant or renewal of a shotgun certificate can therefore request that it is issued with the same expiry date as their firearm certificate. Alternatively, where shotgun certificate holders apply for the grant or renewal of a firearm certificate, they should be advised that they may surrender their shotgun certificate and apply for a new one at the reduced fee to take effect on the same day as the firearm certificate.

Replacement certificates

11.17 Section 32 of the 1968 Act states that a fee is payable to replace a certificate which has been lost or destroyed. A certificate should be replaced without fee if it is very dirty, mutilated, or lacks space for further legible entries to be made. The old certificate should not be returned to the holder.

Revocations and Cancellations

11.18 Where a chief officer has serious concerns about a certificate holder's continued access to shotguns, prompt action must be taken to ensure no preventable harm is caused to public safety. This may involve the certificate holder being invited to surrender their shotguns voluntarily pending a review of their continued suitability. The police have powers to seize firearms, shotguns and ammunition where there is an immediate threat to life, but there is no specific power for the police to enter property and to seize shotguns or ammunition where there was a justification for reviewing suitability to hold a shotgun certificate. In such circumstances, the police will normally need to rely on either a voluntary surrender by the certificate holder or by seeking a warrant from a Magistrate (or Sheriff in Scotland) under section 46 of the Firearms Act 1968. When shotguns are surrendered or seized, ammunition and the certificate must also be seized and stored securely and safely by the police or by a Registered Firearms Dealer. A properly itemised record and photograph must be provided in all cases detailing the shotguns, accessories and ammunition removed.

11.19 Following surrender or seizure of shotguns, a full review should be carried out as soon as is practicable following the principles set out in Chapter 3 of the Statutory Guidance, and the certificate holder should be advised of the result of the review as soon as possible. The certificate holder must be kept informed of the progress of the review at frequent and regular intervals recognising, for example, that in some cases the shotguns may be required for the certificate holder's work. Particular care must be taken to ensure that shotguns are not returned where this may create any risk to public safety. Should the review conclude that there is no danger to public safety or the peace, the shotguns, ammunition and certificates should be returned promptly, subject to the relevant authorisation.

11.20 Under section 30C(1) of the 1968 Act, a shotgun certificate may be revoked by the chief officer of police if they are satisfied that the holder cannot be permitted to possess a shotgun without danger to public safety or to the peace. A chief officer must revoke a certificate held by a person who has become prohibited under the terms of section 21 of the 1968 Act. Forces will be expected to give reasons for their decisions to revoke a shotgun certificate. The courts also have the power under section 52(1) of the 1968 Act to cancel certificates. Section 30(C)(2) of the 1968 Act provides for a right of appeal against the decision to revoke.

11.21 When the chief officer of police revokes a certificate they must send the holder a notice in writing requiring them to either:

(a) surrender the certificate within 21 days of the date of the notice (or the date of the abandonment or dismissal of any appeal against revocation); or where the chief officer considers that the circumstances of the case justify it,

(b) surrender the certificate and any shotguns held by virtue of the certificate forthwith (as per section 12 of the 1988 Act).

11.22 Sections 42A, 42B and 56 of the 1968 Act reflect that any notice to be given under that Act to a person may be given by 'signed for' and 'special delivery' postal service, or by electronic means such as email or fax. A certificate holder who fails to comply with such a notice (if received) is liable to a penalty. Personal service of the notice to revoke, whenever practicable, gives the person an opportunity to discuss the matter and might help to reduce the number of appeals to the Crown Court or, in the case of Scotland, the Sheriff Court.

11.23 When a revocation notice is served, the certificate holder's right of appeal against revocation is unaffected. Under section 12(1) of the 1988 Act, a chief officer may only send a notice which requires the recipient to comply with it immediately after the shotgun certificate has been revoked on the grounds specified in section 30C(1) of the 1968 Act (as amended). Revocation on these grounds does not preclude the use of option (a), and it should only be necessary to use option (b) when a delay in the certificate holder relinquishing their certificate and shotguns would pose a direct danger to themselves, public safety or to the peace. Section 12(1) should not be used where shotguns and certificates are already in police possession.

11.24 The certificate holder has a right of appeal and the police can only retain the shotguns if they have been surrendered due to notice being served in terms of section 12(1) of the 1988 Act, otherwise the shotguns will need to be released during an appeal period to a suitably authorised person acting on behalf of the owner at the earliest opportunity. Care should be taken in the transport and storage of guns concerned, which may have considerable monetary value in some cases. If the appeal against revocation succeeds, any shotguns surrendered under section 12(1) must be returned to the successful appellant. On the dismissal of an appeal, the court may make such order for disposal of any shotguns surrendered under section 12(1) as it thinks fit. It must be remembered however that unless such an order is made, the applicant retains title to the shotguns.

11.25 If no appeal is brought, or if the appeal is abandoned, the shotguns should be disposed of in a manner agreed with the owner, who retains title. In the absence of an agreement chief officers of police must take all reasonable steps to ensure the guns are deposited with a suitably authorised person so that the owner may decide on whether to store or realise value etc. Disposals and failure to take reasonable steps may leave chief officers liable to charges of conversion. Should all reasonable avenues be exhausted, the police must then give the owner notice in writing of how they intend to dispose of the shotguns and the owner may appeal against the decision in accordance with section 44 of the 1968 Act. The court may then either dismiss the appeal or make such order as to the disposal of the shotguns as it thinks fit. In all cases, the police should keep records of how and where shotguns have been disposed.

Police Records

11.26 The general guidance set out in Chapter 10 in respect of firearm certificates also applies in respect of shotgun certificates. In particular, chief officers of police should operate a system under which details of the shotguns acquired and possessed by certificate holders can be recorded. The National Firearms Licensing Management System (NFLMS) is used by all Police Forces in England and Wales for the administration of applications made under the Firearms Acts. In the event of a certificate holder's death, a Permit in order to dispose of the certificated arms will be issued to the Executor or their nominated agent.

Visitors

11.27 The acquisition of shotguns for export without a certificate and visitors' shotgun permits are dealt with in chapters 6 and 26 respectively.

Representatives of Foreign States and Commonwealth countries

11.28 11.28 A person who enjoys diplomatic privilege, whether representing a government or international organisation, is expected to hold a certificate in respect of any shotgun to which section 2 of the 1968 Act applies, which is used or carried outside the confines of the embassy, consulate or similar establishment. The principles which normally govern the granting of certificates should be observed. The Diplomatic Privileges Act 1964 and the Vienna Convention on Diplomatic Relations 1961 exempt diplomats from payment of the certificate fee. Diplomatic privileges have also been extended to some international bodies, for example the International Maritime Organisation. Any enquiries about the status of such an organisation or its employees should be referred to the International Organisations Team, Diplomatic Missions and International Organisations / Ceremonial Unit, Protocol Directorate, Foreign, Commonwealth & Development Office. Email: Protocol.Enquiries@fcdo.gov.uk

Chapter 12: Good reason to possess a firearm

12.1 This chapter:

i. sets out the issues that chief officers will wish to consider in assessing "good reason" in individual cases;

ii. advises on the more common "good reasons" that the Home Office would consider proper for the possession of particular firearms and ammunition; and

iii. sets out the guiding principles governing the definition of a "good reason" to possess a firearm.

The guiding principle behind the requirement to have a "good reason" to possess, purchase or acquire firearms or ammunition, is that firearms are dangerous weapons and the state has a duty to protect the public from their misuse. In general, applicants should be able to demonstrate that they 'use' their firearm on a regular, legitimate basis for work, sport or leisure (including collections or research).

Introduction

12.2 Under section 27(1)(b) of the Firearms Act 1968, firearm certificates shall be granted by chief officers of police if they are satisfied that applicants have a "good reason" for having in their possession, or for purchasing or acquiring, the firearm or ammunition in respect of which applications are made and that in all the circumstances the applicants can be permitted to have the firearm or ammunition in their possession without danger to public safety or to the peace. Apart from assessing fitness to possess firearms, "good reason" is one of the most substantial and complex areas of discretion that chief officers may exercise in licensing firearms. It is therefore imperative that any decision to refuse on grounds of "good reason" must be reasonable.

12.3 This guidance is not exhaustive. Chief officers will encounter cases not covered here where they may properly judge that "good reason" is proven. Each case must be judged on its own merits, being mindful of the consistent administration of the Acts and the need to provide fair and equitable treatment to all applicants, while maintaining the duty to protect the public from firearm misuse.

12.4 Apart from having a "good reason" in principle, an applicant's reasons for owning firearms should be genuine. Equally, any reason to refuse an application must be clearly justified and explained. Chief officers should exercise caution in dealing with cases where the applicant presents a nominal reason for possessing firearms without supporting evidence. The police will be expected to make reasonable inquiries to verify the applicant's "good reason" for the possession of firearms. This may include:

i. a request for written authorities where relevant (and possible).

ii. verification of the likelihood of the quarry species being present and, if relevant, causing a level of undesired impact which justifies lethal control.

iii. the suitability of land for the firearms and ammunition requested commensurate with the applicant's experience.

iv. their authority to shoot on the land; and,

v. in the case of target shooters: verification of club membership and shooting activities.

vi. in the case of collectors: activity, including academic research, membership of recognised bodies etc.

12.5 An intention to acquire a firearm certificate, with the attendant responsibilities, should generally involve a genuine intent to use the firearms concerned regularly (depending on the type of firearm and the opportunities to use it) or a "good reason" of similar substance. Failure to use a firearm or failure to acquire one by the end of the certificate's life may be cause for further inquiry as to the applicant's intentions, (but see paragraph 12.53 and sections on firearms of historical importance, collections and trophies of war).

12.6 "Good reason" should be neither confined to need nor equated with desire. Most firearm certificate holders possess firearms for reasons of their profession, sport, collectors or recreation, and may properly wish to exercise discretion as to what types of firearms they choose for these purposes. On the other hand, a simple wish to own a particular sort of firearm is not in itself "good reason" without further supporting evidence of intentions. Chief officers should be mindful of case law (Anderson v Neilans (1940) and Joy v Chief Constable of Dumfries and Galloway (1966)) which suggests that the chief officer should consider the application firstly "from the standpoint of the applicant rather than from that of a possible objector". "Good reason" will need to be demonstrated for each firearm to be held under section 1 of the 1968 Act.

12.7 With the exception of the limits set by the Deer Act (for more information, see Chapter 13) and similar legislation, the suggested calibres for different quarry species are intended as examples of the typical range of calibres used rather than prescriptive limits. In most cases there will be a range of broadly similar commercial calibres suitable for different quarry (see paragraph 12.8 for definition of this term for the purposes of this guidance).

Quarry shooting, including shooting pest species (vermin) and other shooting over land

12.8 'Quarry' is the general term for live animals (including birds) shot over land. In this context, 'land' means an area to be shot over, for example, a woodland, moorland, heath, wetland, foreshore, open water or field. Firearm certificate holders may wish to use firearms to shoot deer, game, pest or other quarry species. Calibres

authorised should have sufficient muzzle energy to ensure a clean humane dispatch of the quarry species concerned.

12.9 A certificate holder may shoot any quarry that is lawful (where they are authorised to shoot). Whilst guidance is provided, it is the responsibility of the shooter to know what calibre is suitable for which quarry, and when certain quarry or ammunition is lawful (including the need to obtain or rely upon a licence from the relevant licensing authority to permit the shooting of protected species). Once initial "good reason" has been established for the possession of a firearm, there is no requirement for "good reason" to be demonstrated for additional quarry species or amendments providing the firearms are not underpowered for the species (see also paragraph 12.16). A cartridge should be capable of achieving a humane dispatch, and it is the responsibility of the shooter to ensure that any excess energy will be absorbed by the backstop. The "any other lawful quarry" condition (which also applies to protected species that the certificate holder might be licensed to shoot) should be applied. If an applicant is suitable to hold a firearm certificate and is deemed safe to do so, there is no requirement to restrict the quarry they shoot by the use of conditions imposed on the individual's firearm certificate.

A person wishing to shoot over land should nominate in their application a specific area of land over which they intend to or have permission to shoot (this does not restrict their ability to shoot elsewhere where permission is also given), and provide written authority, where appropriate, from the person entitled to grant the shooting rights. The land may then be examined and approved by the police (if it is not already known to be suitable) in order to help to establish that the "good reason" requirement has been fully met, and that the use of firearms and ammunition will not endanger public safety or the peace (section 27(1)(c) of the 1968 Act).

12.10 The land need not be owned or rented by the applicant, nor need they have regular or automatic access to it. Farmers and landowners may allow shooters to shoot on their land, for payment or otherwise, on a formal or informal basis. An applicant need not always nominate a piece of land as evidence of "good reason", but in such cases the applicant may be required, where possible, to provide written evidence, for example from a relevant organisation, a professional pest controller, gamekeeper or of a booking to shoot.

12.11 It is accepted that land is not intrinsically "safe" or "unsafe" and that any shooter will have to exercise a strong measure of discretion in deciding whether to shoot in particular circumstances. However, the police will wish to be satisfied as part of "good reason" that the land nominated is not clearly unsuitable for the types of firearms or ammunition to be used. The land inspection is intended only as part of the process of verifying that a "good reason" exists. It should not normally be extended to other areas of land on which the applicant intends to shoot unless there is to be a condition restricting a new shooter to specified land only. An inspection, where it is required, may provide a good opportunity to confirm that the applicant understands the characteristics of the land and the best places to shoot safely on it.

12.12 The applicant's knowledge of safe shooting is also very important and they should therefore, where possible, be present when a land inspection takes place. This will give applicants the opportunity to confirm that they are aware of any potential hazards and know that no shot must ever be fired from a rifle unless there is a safe

backstop. Some of the issues that the police will need to consider in relation to all the circumstances of the specific application are:

a) Presence of rights of way, public roads and footpaths and their frequency of use;
b) Proximity of dwellings;
c) Suitable backstops relevant to the firearm to be used (also important with a shotgun when using section 1 ammunition);
d) General topography of the land; and,
e) Presence of any quarry species on the land (see paragraphs 12.9, 12.14 and 12.15 for guidance).

12.13 A person whose certificate is to be conditioned to allow shooting only on land approved by the chief officer of police, should be able to establish whether an area of land has been approved for that type and calibre of firearm by contacting their local police firearms licensing department. It is expected that in only a small number of cases will it be necessary to inspect the land.

12.14 When land inspections are required, the knowledge of local shooters, stalkers, gamekeepers etc. may be drawn upon. This is particularly important in cases of doubt. Decisions to refuse approval on public safety grounds should not be based on the assessment of a police employee with little or no experience in such matters and the views of those experienced in the field use of firearms should be sought before final decisions are made. Shooting organisations may also be able to assist with detailed information about the practical applications of rifle/cartridge combinations.

12.15 “Good reason” to possess particular firearms will generally be linked to the quarry species found on the land concerned. However, conditions for the possession of such firearms may allow the certificate holder to deal with reasonable eventualities, for example, pest or game species or the humane destruction of injured animals on the estate. The Pests Act 1954 (see relevant section in Chapter 13) can be used to impose a duty with financial penalties on occupiers of land to control rabbits on their land. Under the Animals Act 1971 section 9, a person may, under certain specified circumstances, shoot a dog found to be worrying sheep, cattle or other livestock. Protection of livestock may constitute the ‘good reason’ for possessing a rifle for some farmers or others involved in animal husbandry (see also Chapter 13). Although not stipulated in law, a shotgun may be used where dogs worrying sheep and other livestock are to be killed. Where the use of a rifle for these purposes is cited as “good reason”, Natural England and DEFRA advise that calibres suitable for small deer would be appropriate.

12.16 The table at the end of this chapter provides guidance on whether, for the purposes of establishing “good reason”, a particular calibre is suitable for shooting certain quarry. It should be noted that the list of calibres is not exhaustive but will serve as a useful guide.

12.17 ‘Yes’ indicates that the calibre is suitable for the purpose, and pursuit of such quarry would normally be a “good reason” to possess such a rifle. ‘No’ indicates that the calibre and muzzle energy is unsuitable, unlawful or inhumane, and pursuit of such a quarry would not therefore be a “good reason” to possess such a rifle. This, however, should not exclude the use of a larger or more powerful firearm, for which “good reason” has been established, to shoot smaller quarry (see paragraph

12.9). In some cases an applicant will want to possess two similar firearms for the same category of use, for example, where an employer requires the applicant to use a firearm for official purposes but the applicant also wants to hold one for personal use (for example, deerstalking). Chief officers should also note that many animals (including all birds) are protected by law (see Chapter 13). Licensing officers will also wish to have regard to other paragraphs in this chapter which offer more detailed guidance in relation to specific quarry.

Shooting Small Quarry Species, including Game and Pest Species (Vermin)

12.18 The term “game” covers certain birds and animals that may be shot for food and sport. These include pheasant, partridge, grouse, ptarmigan and ground game (rabbits and hares; in Scotland mountain hare can only be shot under licence for specific purposes granted by NatureScot: Hares and licensing | NatureScot). The term “vermin” is not defined in law, but it may include species that cause damage to crops, game, livestock or property such as fox, rabbit, mink, stoat, weasel, brown rat, and grey squirrel; as well as some birds, such as wood pigeon or carrion crow. All wild birds are protected under the Wildlife and Countryside Act 1981 and the Game Act 1831, and can only be shot under licence unless during an open season prescribed by the Acts. Certain species of wild bird, such as wood pigeon or carrion crow, can only be shot under a relevant General Licence for the purposes of conservation, preventing serious damage or preserving public health and public safety. Authorised users or landowners can also apply for an individual licence to control certain species of wild birds where their circumstances are not covered by the general licences. It is important to note that animals such as badgers, deer and wild boar are not viewed as vermin. Guidance on foxes can be found in paragraphs 12.25 and 12.26.

12.19 Although not set out in legislation, the rifle cartridges most commonly used to shoot ground game and vermin are .17 rim-fire (HMR & Mach 2) and .22 rim-fire. More powerful centrefire cartridges, such as .17 Remington and .22 Hornet are also suitable for ground game and vermin, and may be considered if the applicant also intends to shoot fox to avoid possession of a further gun. Expanding ammunition may be granted for shooting vermin with a rifle.

12.20 Self-loading shotguns (‘semi-automatic’ is defined in section 27 of the Wildlife and Countryside Act 1981 as capable of holding more than two rounds in the magazine and applies only to large magazine shotguns (and .22 rim-fire rifles)) may be used to shoot certain pest species under the terms of a licence from either Natural England, Scottish National Heritage, or the Natural Resource Wales but is applicable to avian species only. Large magazine shotguns may be required to deal with serious pest problems with certain avian species such as wood pigeon or carrion crow.

12.21 Under schedule 6 of the Wildlife and Countryside Act 1981, certain species such as wild cats, pine martens, badgers and otters may not be shot with any automatic or semi-automatic firearm, or killed, or taken by other prohibited methods under section 11(2) of the 1981 Act. These species may be problematic under certain circumstances but may only be killed under licence (see also Chapter 13). It is acceptable for self-loading shotguns to be used for mammal pest species including rabbits and squirrels. Once “good reason” is established for avian vermin control,

shotguns of this kind may be allowed for taking other small vermin (including mammals such as squirrels and rabbits).

12.22 'Specially dangerous' air rifles in calibres from .177 to .25 operating at over 12 foot-pounds and therefore subject to certification are often used for vermin control and for the shooting of small game when an applicant wishes to use a firearm less powerful than the .22 rim-fire. The same conditions apply to air rifles as any other rifle authorised for quarry shooting.

12.23 Section 4 of the 1997 Act allows the possession, purchasing, acquiring, selling or transferring of shot pistols in calibres .410 and 9mm rim-fire, provided that such a pistol is subject to a condition that it is only for use in connection with the shooting of vermin (see Appendix 2 for the exact wording of the condition which covers these circumstances). This exemption was intended mainly for pest controllers who may need to use a firearm of this kind in farm buildings, farmyards and similar areas where use of a conventional shotgun would be inappropriate, for example, barns, fruit cages or near release pens.

12.24 Those involved in shooting vermin will normally be authorised to possess up to 750 rounds. However, larger allocations may be required in some circumstances, perhaps for individuals who are responsible for pest control over large areas of land or where there are serious infestations, for example of rabbits. In such cases, it may be appropriate to authorise the individual to possess up to 1,500 rounds. These amounts are only guides and should not be seen as absolute limits to be applied in all cases. An applicant who is responsible for a lot of pest control may reasonably want two rifles firing the same, or a closely allied cartridge.

Chief officers of police will wish to be mindful that quarry species are mobile and applicants may not always be able to predict their presence on land on a consistent basis. Certificate conditions should therefore allow the applicant flexibility in dealing with quarry species, and the 'any other lawful quarry' condition may be used. However, where a particular quarry forms the basis of the applicant's "good reason" its likely presence will need to be confirmed (see paragraph 12.14 and 12.15 for guidance).

Foxes

12.25 Although not set out in legislation, common rifle cartridges considered suitable for the shooting of foxes range from .17 Remington, and .22 Hornet to .22 -250 and .220 Swift, though there is a wide range of suitable similar calibres commercially available. In windy areas, where heavier bullets aid accurate shooting, or if applicants wish to use one rifle for shooting both deer and foxes, they may choose a rifle in 6mm (.243/.244) or 6.5mm (.264) calibre.

.22 Rim-fires are generally considered as having insufficient muzzle energy to be used against foxes at longer ranges. However, these could be suitable for use at short range by experienced persons, and may be permitted in certain situations such as around farm buildings or paddocks. It is for the operator to ensure that the quarry species are shot at the appropriate range with the appropriate ammunition to achieve a humane dispatch. Combination shotgun/rifles should have the rifled barrel in a similar calibre.

Those involved in shooting foxes will normally be authorised to possess up to 250 rounds, but consideration should be given to each shooter's individual circumstances, particularly where re-loaders are acquiring missiles. See also paragraph 12.9 on allowing the applicant flexibility to reasonably shoot other species on named land.

12.26 It is desirable that new applicants should have some previous experience of the safe use of firearms before using such rifles. Experience is neither cartridge nor ammunition type exclusive. It may include the shooting of any quarry species. The aspect that police are looking to be satisfied about is the competency of the applicant to take a safe shot every time. The shooting of any quarry requires a safe backstop for the shot, and such experience is transferable between all quarry species.

Wild/feral animals

12.27 Authority may be requested to shoot animals which fall outside the scope of usual types of game or vermin, for example feral goat or wild boar. The type of rifle authorised should be appropriate to the quarry species. It is recommended that a rifle of not less than .270 be used for wild boar. For feral goats, DEFRA advises the use of a minimum calibre of .243 with a bullet weight of 100 grains to be humane. However, individual bullet weights should not be stipulated on certificates.

12.28 Hunting potentially dangerous animals, such as wild boar, with larger calibre rifles requires particular skill, and applicants should generally have experience of firearms. Applicants should put forward specific named land and a request or authority from the owner/ occupier to shoot the species concerned.

Seals

12.29 It is an offence to intentionally or recklessly kill, injure or take a seal. However, there is a general exemption for taking a seal which is disabled for the sole purpose of tending and releasing it when no longer disabled, or killing a seal which was so seriously disabled that there was no reasonable chance of its recovering. More information on this subject can be found within Chapter 13.

Deer

12.30 Wildlife management is a devolved activity. The shooting of deer in England and Wales is governed by the Deer Act 1991 (as amended), which requires deer be shot with rifle cartridges of particular muzzle energy and, in Scotland, muzzle velocity and bullet weight (see Chapter 13 for further detail). The Deer Act 1991 requires that "soft nosed or hollow nosed" (expanding) ammunition, or in the case of Scotland ammunition "designed to deform in a predictable manner", must be used for shooting deer. Deer stalkers will normally be authorised to possess up to 250 rounds of ammunition but account should be taken of individual circumstances,

for example where re-loaders are acquiring missiles or where the shooter is a professional deer stalker.

12.31 Suitable calibres for shooting deer range from .22 centrefire to .45-70. For shooting Muntjac & Chinese Water Deer in England and Wales, a rifle with a calibre of not less than .220 inches and a muzzle energy of not less than 1,000 foot-pounds using a soft or hollow nosed bullet of not less than 50 grains can be used. For shooting Roe, Fallow, Sika and Red deer, a rifle with a calibre of not less than .240 and a muzzle energy of not less than 1700 foot-pounds can be used. However, for the larger species (Fallow, Sika and Red deer), .270 and larger are generally more suitable. See paragraph 12.34 for information about legislative requirements for the shooting of deer in Scotland.

12.32 An applicant who wishes to shoot deer should name land which has the likelihood of the appropriate deer species being present, and an invitation, booking or authority to shoot. This is not necessary where a person already holds a deer legal rifle for an established reason. Many deer stalkers will rely on invitations to shoot on payment rather than be hired or paid to do so and may not be able to shoot regularly or frequently, though others may be permanently employed, for example, Forestry Commission staff. Hunting large animals with powerful rifles requires particular skill, and applicants should generally have some experience of firearms.

12.33 The Deer Act 1991 also authorises the use of smooth-bore guns of at least 12 bore loaded with a cartridge purporting to contain AAA shot (shot which is .203 inches (5.16 millimetres) in diameter) or a cartridge containing a non-spherical projectile weighing not less than 22.68 grammes (350 grains) to kill deer on any land if it can be shown that the deer were causing serious damage to crops, vegetables, fruit, growing timber or other property, that such damage was likely to continue and be serious in nature and that action was needed to prevent this. This provision was intended to allow authorised persons (namely, but not restricted to, farmers and crofters) who own a shotgun but not a rifle to deal with marauding deer. Shotguns for use with solid slug should be cylinder bored and fitted with sights, if available. Solid slug is ammunition falling within section1 of the 1968 Act and so a firearm certificate is needed for possession and use. A suitable rifle would be more appropriate for a regular need to control deer.

Scotland

12.34 The legislative requirements for the shooting of deer in Scotland are based on the performance of the ammunition, not the calibre of the rifle. Ammunition must be “designed to deform in a predictable manner”. Article 3 of the Deer (Firearms etc.) (Scotland) Order 1985 makes different provisions for the shooting of Roe deer in Scotland. A calibre is not stipulated but the bullet weight must be not less than 50 grains, the muzzle velocity not less than 2,450 feet per second and the muzzle energy not less than 1,000 foot-pounds. In practical terms, this means a calibre of .222 or greater, rather than the .240 or greater for shooting Roe deer required in England and Wales. For deer in Scotland other than Roe, bullets of not less than 80 grains, and a muzzle velocity of not less than 2,450 feet per second and a muzzle energy of not less than 1,750 foot-pounds are all required. The 1985 Order also allows the use of a shotgun in certain limited circumstances, but for land management reasons only, and must be of not less than 12 bore gauge. Closed seasons are also different in Scotland (see Chapter 13). Otherwise the general comments on deer stalking above apply.

Overseas use

12.35 Individuals going overseas may wish to hunt animals not found in this country and wish to acquire firearms for this purpose..

12.36 Rifles for this purpose may include bolt-action or double-barrelled rifles of various calibres, often very large and of high (4,000-5,000 foot-pounds) muzzle energies. These might include .375 H&H Magnum for plains game, calibres between .375 H&H Magnum and .600 for big game, .300 Winchester or greater for bear, and 9.3mm x 74R for boar.

12.37 The police will wish to be satisfied that an applicant has genuine intentions to use such rifles abroad, though such visits may be infrequent. Zeroing and practicing with ammunition may be permitted in the UK, providing a suitable range or land is available. Those who home-load their ammunition for such zeroing will also need to test and chronograph it. Some rifles intended for antelope and other plains game may also be suitable for deer, boar or other quarry shooting in this country. Once initial “good reason” has been established for a rifle in shooting “dangerous game”, it may also be considered for shooting the larger deer species and boar in Britain. Where a shooter experiences difficulties in obtaining “dangerous game” cartridges in the country where that game is to be hunted, arrangements can be made for a dealer to export an appropriate quantity which can be collected by the shooter at the point of embarkation. Individuals may be authorised ammunition in line with typical amounts authorised for use in firearms for target and quarry shooting.

Humane Killing of Animals

12.38 The humane killing of sick, injured or lawfully trapped animals with a firearm is normally confined to those who may deal with such animals on a fairly regular basis. Examples would include veterinary surgeons, RSPCA inspectors, hunt servants, and occupiers of farms and smallholdings. Once such a firearm certificate is granted, the holder is able to use the firearm for the humane killing of any animal should the need arise, subject to any conditions on the certificate. The holder may also use a shotgun when appropriate. Rifles of any centrefire calibre may be suitable for this work. For revolvers and slaughtering instruments under section 3 of the 1997 Act, it is suggested a .32 single (or two) shot revolver is suitable for most circumstances, though larger calibres such as the .38 may be considered if the applicant has to deal regularly with large or dangerous animals (for example, horses, water buffalo, bison, Highland cattle or larger deer species). Police forces should note that self-loading (semi-automatic) handguns should not be authorised for the slaughter or humane destruction of animals, as it is not possible to permanently adapt the capacity of handguns which make use of a removable magazine. Note that section 3 does not refer to the use of any particular cartridge.

12.39 Sound moderators for pistols should generally be authorised only for veterinary surgeons working at racecourses. Adapted conventional handguns are not generally considered suitable for humane dispatch. The use of solid slug

ammunition for shotguns should normally be authorised only for staff on wild boar farms or other farming establishments, though veterinary surgeons may also have a need for solid slug to destroy large animals such as bulls. The Humane Slaughter Association (HSA) advises that solid slug for shotguns should only be used from a distance and with a suitable backstop. The HSA also advise that, under such circumstances, a suitably powerful rifle may be more accurate. Comprehensive guidance on the humane killing of animals is available from the HSA.

12.40 The humane killing of sick or injured animals is distinct from the slaughter of animals for human consumption. The provision of free firearm certificates applies only to the latter category (see section 32(3) of the 1968 Act).

Slaughtering

12.41 The slaughter of animals for human consumption will often be carried out using captive-bolt instruments that are not considered “firearms” for legal purposes. However, authorisation to possess and acquire a free-bullet slaughtering instrument may be granted to proprietors of slaughterhouses, knackermen, deer and wild boar farmers, butchers and farmers, smallholders and crofters who need to slaughter their own animals. Expanding ammunition should also be authorised for this purpose.

12.42 Under section 10 of the 1968 Act, no certificate is required for a person holding a relevant licence (meaning a person who holds a certificate of competence or licence to kill animals under the Welfare of Animals at the Time of Killing (England) Regulations 2015, a person who holds a certificate of competence or licence to kill animals under the Welfare of Animals at the Time of Killing (Wales) Regulations 2014 or a person who holds a certificate of competence to kill animals under the Welfare of Animals at the Time of Killing (Scotland) Regulations 2012) to possess a slaughtering instrument or ammunition in any slaughterhouse or knacker’s yard where they are employed.

12.43 Under section 32(3) of the 1968 Act, no fee is payable for a firearm certificate issued in respect of a slaughtering instrument or ammunition thereof which the applicant requires for the humane slaughter of animals.

Tranquillising Animals

12.44 Tranquillising equipment such as dart guns and blowpipes are normally considered prohibited weapons that discharge noxious substances under section 5(1)(b) of the 1968 Act. However, under section 8 of the 1997 Act, an authority to possess a firearm is not required for a firearm mentioned in section 5(1)(aba), (b) or (c) of the 1968 Act, which is designed or adapted for tranquillising or otherwise treating an animal, if you have a certificate subject to a condition restricting its use to use in connection with the treatment of animals.

Authority to possess such firearms should normally be granted to those who have a professional need for such, for example veterinary surgeons, deer farmers and zoo or safari park staff. Such weapons should be used under the direction (though not necessarily the presence) of a veterinary surgeon due to the use of powerful controlled drugs which are issued under licence from Natural

England to permit their use. The Royal College of Veterinary Surgeons (RCVS) and the British Small Animal Veterinary Association (BSAVA) have produced guidance on the use of such equipment.

12.45 Tranquillising equipment may also be needed for scientific research on animals. If an application were not in connection with the treatment of animals the Section 8 exemption would not apply.

Target shooting

12.46 Target shooting includes the use of firearms for sport and recreation. The Department for Digital, Culture, Media and Sport recognises the organisation 'British Shooting' which brings together the national Governing Bodies for target shooting. Responsibilities for different types of target shooting are divided between the National Small-bore Rifle Association, the Muzzle Loaders Association of Great Britain and the United Kingdom Practical Shooting Association.
In Scotland, sportscotland and the Scottish Target Shooting Federation act as umbrella bodies for target shooting.

12.47 The National Rifle Association, the United Kingdom Practical Shooting Association, National Target Shotgun Association and the British Western Shooting Society govern various types of target shooting involving the use of shotguns, muzzle-loading pistols, long barrelled pistols and rifles.

12.48 Small cartridge-firing firearms which come under section 5(1)(aba) of the 1968 Act may only be used under the specific authority of the Secretary of State or the Scottish Ministers, at specified locations. These are distinct from long-barrelled pistols and long-range pistols which are section 1 firearms.

12.49 Under section 44 of the 1997 Act, a person whose only reason for possessing a rifle or muzzle-loading pistol is for target shooting must be a member of a target shooting club approved by the Home Office or the Scottish Government Safer Communities Directorate. They are subject to the condition that the rifle or muzzle-loading pistol is only to be used for target shooting. The applicant is not confined to shooting only under the auspices of that club and many applicants will wish to shoot with other clubs. However, membership of a particular club will generally be the core of the applicant's "good reason" and is likely to be the focus of much of their shooting activity. In some cases however, the "good reason" for certain firearms may be activities in a club other than the one nominated club. Long-barrelled pistols, long-range pistols, shotguns falling within section 1 of the 1968 Act and full bore rifles designed or adapted to fire ammunition capable of discharging projectiles at muzzle energies greater than 10,000 foot-pounds do not fall within the three Home Office categories of approval for target shooting clubs, and therefore they cannot take advantage of the free club certificate issued to Home Office approved clubs. They can, however, be held on an individual's firearm certificate as long as they have the facilities to use the firearms for target shooting. Long-barrelled revolvers, long-range pistols, shotguns falling within section 1 of the 1968 Act and full bore rifles designed or adapted to fire ammunition capable of discharging projectiles at muzzle energies greater than 10,000 foot-pounds may not be borrowed at a range for use by other club members.

12.50 An applicant should have access to appropriate ranges for the types of firearm concerned. The National Small-bore Rifle Association and the National Rifle

Association (or similar organisations) will have inspection and approval systems in place for ranges run by their club members. Independent assessments are also viable.

12.51 Muzzle-loaders and other users of black powder need to hold an Explosives Certificate, a Recipient Competent Authority issued under the Placing on the Market and Supervision of Transfer of Explosives Regulations in order to possess/transfer black powder, though not for Pyrodex and other smokeless powders (SI 1993/2714). The Recipient Competent Authority is now included on all new explosives certificates.

12.52 Target shooting will normally involve shooting disciplines or activities under the general auspices of one of the main national shooting organisations but will not necessarily be to their competition rules. It will involve shooting at a target on ranges where the holder has lawful authority to shoot provided that adequate financial arrangements are in place to meet any injury or damage claim, but does not necessarily mean shooting in competitions, formal or otherwise. Local shooting disciplines may be accepted as “good reason” for possessing particular firearms.

12.53 Target shooters may be expected to use their firearms fairly regularly, say three or more times a year. The police should consider on renewal whether “good reason” continues in respect of all firearms held for this purpose. However, failure to shoot in a year should be regarded as grounds for further enquiries to be made, rather than the automatic partial revocation of the certificate for lack of “good reason”. For example, there may be personal circumstances such as illness, working away (where this is not to be repeated regularly), or practice for a particular competition that may preclude the use of all the firearms concerned. In some cases, competitions for unusual or older arms may be few each year. Owners, and especially collectors, may also not want to regularly shoot old, historic, and valuable firearms, thus avoiding excessive wear and tear.

12.54 Chief officers of police should also consider the “good reason” for possession of ammunition quantities for target shooting. Allocations of 1,000 rounds, to possess, purchase or acquire, are not unreasonable for most regular shooters. A serious target shooter (for example in a county or national squad) may reasonably wish to possess up to 6,000 rounds to ensure consistency in performance between batches. In exceptional circumstances greater amounts may be required. These figures should be used as guides only and should not be interpreted as absolute limits. This is normally applicable to .22RF rather than full-bore target shooting. Economy of purchase (‘bulk buying’) is not considered satisfactory as “good reason”.

12.55 Long-range pistols will often use rifle actions and cartridges. An applicant to possess a firearm of this sort may be a member of the International Long-Range Pistol Shooting Association (ILRPSA), or other appropriate shooting organisation which organises and marshals this type of shooting discipline, although this is not a requirement. A suitable range (see paragraph 12.50 above) is required.

12.56 Pump-action, self-loading and other types of shotgun may be used for ‘practical’ target shooting disciplines in which the shooter moves to engage a number of different targets. Applicants should normally be a member of a relevant organisation such as the National Rifle Association, the United Kingdom Practical Shooting Association or National Target Shotgun Association, either individually or as a member of an affiliated club. For ‘End of Trail’ shooting, a set of practical

disciplines with a 'Wild West' theme, the British Western Shooting Society (BWSS) is the relevant organisation. In view of the potential hazards associated with the more extreme forms of practical shooting, the police will wish to consider with particular care applications for firearms for 'practical' shooting that falls beyond the examples cited above.

Large cartridge firearms

12.57 High energy, large cartridge rifles subject to section 1 of the 1968 Act (bolt action or straight pull) e.g. those using the .338 Lapua Magnum and the .50 Browning Machine Gun (BMG) cartridges, may be sought by some applicants for long range target shooting. Applications for such rifles for target shooting should be conducted on the same basis as other rifles.

Handguns of Historical Importance

See Chapter 9.

Collection of firearms

12.58 The collecting of firearms by a genuinely interested collector should be accepted as a "good reason" for the grant of a firearm certificate. There should be no blanket policy to prevent the collecting of modern firearms (though collectable firearms will tend to be of the Second World War or earlier eras) nor should arbitrary limits be imposed on the number or type of firearms. However, a single firearm is unlikely to be acceptable unless it forms part of a collection of other exhibits (but see Chapter 9). Modern reproductions of vintage arms may be collected, especially to fill gaps in collections of older firearms. There are no calibre-based limits for collecting, and collections may include field artillery, tanks and other armoured fighting vehicles. Vintage handguns are dealt with in Chapter 9. Collections may include firearms disguised as other objects that would otherwise be prohibited under section 5(1A)(a) of the 1968 Act. Ammunition may be collected of itself, including expanding, incendiary or armour-piercing ammunition or explosives that would otherwise be prohibited under section 5(1A) of the 1968 Act.

12.59 Chief officers of police should satisfy themselves that the applicant is a bona fide collector who has a genuine interest, perhaps academic, in the evolution of firearms or in particular types or periods, and that the types of firearm requested fall within this interest. Evidence that a person is a member of a relevant society (for example the Historical Breechloading Smallarms Association or the European Cartridge Research Association) might be taken as an indication that they have a genuine interest in collecting, but this is not a requirement. Firearms capable of being fired may be collected, and a collection may include items other than firearms, for example, uniforms and military equipment. Collections of one or two firearms should not normally be accepted unless they form part of a wider collection of non-firearm related exhibits. "Collection" should not be used as an excuse to retain firearms purely for personal or sentimental reasons. In the case of Hutchison v Chief Constable of Grampian (1977), the Court upheld the decision to refuse to issue a certificate for collection to an applicant who was not considered to be a bona fide collector.

An appropriately conditioned firearm certificate that authorises the collection of ammunition does not exempt the holder of that certificate from their duty to comply

with legislation controlling the storage of explosives. This is the Explosives Regulations 2014 (SI 2014/1638). Ammunition collectors should be made aware of the potential compliance requirements in respect of other legislation. The Force Explosive Liaison Officer (ELO) should be consulted in respect of such matters.
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12.60 Generally, bona fide collectors of firearms are not normally authorised to possess ammunition and are made subject to a condition prohibiting the use of their firearms. This will be an appropriate balance to the possession of a large number of firearms by a private individual. However, there are two instances where ammunition might be authorised. Some collectors may wish to collect ammunition either as a part of a wider collection of firearms or in its own right. There may also be cases where applicants wish to fire their firearms occasionally, for example to test fire them on an appropriate range. In these cases, the allocation of ammunition for each firearm should be small, and the applicant expected to use these rarely. The provisions of regular use as for target shooting set out above should not be applied. A similar principle would apply to antique firearms not held as a curiosity or ornament that are held on certificate for occasional firing. Collections of ammunition may also include exhibits to which section 5 of the 1968 Act applies. This will normally be reflected in conditions.

12.61 Collectors of firearms should not generally be registered as dealers in respect of their collections (see Chapter 15). Special arrangements apply to collections of firearms held by museums (see Chapter 16), though in cases where a museum holds only a few firearms (for example, as part of a stately home), the grant of a firearm certificate may be appropriate.

12.62 The term “trophy of war” is not defined in legislation but is generally held to refer to firearms either carried on active service or captured from the enemy. The term may be interpreted fairly widely when persons of good repute wish to retain possession of a firearm without the associated ammunition, providing that it is not government property. Weapons issued or captured after the Second World War are government property and their retention is not permitted. This applies to weapons brought back from other conflicts, for example, the Falklands campaign in 1982 and the Gulf War in 1990-91, or more recently, Afghanistan or Iraq.

All persons retaining trophies of war must hold a certificate. The Firearms (Fees) Regulations 2019 (SI 2019/1169) specify the fee payable to recover the costs of the Home Office and Scottish Government in administering an application for section 5 authority to allow for the initial possession of the prohibited firearm. Section 32(4) of the 1968 Act specifies that a fee is not payable in relation to the firearms certificate that may be subsequently issued by the police. No ammunition should be included on a certificate relating solely to a trophy of war. Handguns may be retained as trophies of war under section 6 of the 1997 Act without obtaining the authority of the Secretary of State or the Scottish Ministers, however, this is provided that the person is authorised to possess it by a firearm certificate, and provided that the trophy of war was acquired before 1st Jan 1946.

12.63 Firearms acquired from the original holder and no longer held as family heirlooms should not normally be regarded as “trophies of war” and should be subject to the normal firearm certificate procedure. They may qualify for Section 7.1 or 7.3 status under the 1997 Act. Firearms recovered from wrecked ships and crashed military aircraft cannot be regarded as trophies of war and their retention, unless authorised by the Receiver of Wreck or the Ministry of Defence, cannot be authorised.

12.64 The provisions of section 6 of the 1997 Act make no mention of the inheritance of handguns held as trophies of war so these cannot be inherited directly under those provisions. However, the Home Office is prepared, in principle, to grant the Secretary of State's authority to allow new heirs to inherit such weapons, and they may then be entered on the heir's certificate as "trophies of war" in the usual way.

Signalling apparatus

12.65 Signalling apparatus may include flare pistols of up to one-and-a-half inch (37mm) calibre, and pen-type launchers for distress flares, as well as bird scaring apparatus used at airports or for agricultural bird scaring, where use of a conventional shotgun would be inappropriate. Permission to possess such items is normally granted to ships' masters as part of ships' equipment, to small boat owners, to harbour or airport employees, farms/ estate managers (bird scaring) or to members of mountain rescue teams. Deerstalkers, wildfowlers or hill walkers who operate in isolated areas may also need to seek authority to carry some form of distress flare.

12.66 Flares of a kind that use a male spigot launcher are not subject to controls and are commonly used by mariners, hill walkers and others. Likewise, gas powered 'guns' and blank firing guns used by farmers to scare birds from crops are not subject to certification, and controlled firearms are not generally needed for this purpose. However, the ammunition for such bird scaring equipment is usually a single projectile, and is thus subject to certification. Line-throwing rockets (and their launchers/projectors) and similar devices for throwing ropes to ships in distress are not generally considered to be "firearms" for certification purposes.

Controlling Races

12.67 Section 5 of the 1997 Act states that an authority under section 5 of the 1968 Act is not required to possess a small firearm (handgun) under section 5(1)(aba) of the 1968 Act, at an athletics meeting for the purpose of starting races. The same is true in order to possess, purchase, acquire, sell or transfer a small firearm (handgun) for this specific purpose, provided a certificate is held, subject to the condition that its use must be connected with starting races at athletics meetings. This is intended to allow starters, who may not necessarily be the certificate holder, to use guns that produce a muzzle-flash to start races at which records might be set. In practice, only those starters who have achieved level 3, level 4 or above as part of the UK Athletics (UKA) licencing scheme should be granted a certificate. The UKA licence holder should also have a letter of approval issued by the Technical Committee of UKA and signed by a UKA Executive Officer. Starters of swimming, cycling and other races have no need of working firearms and may use blank-firing pistols which are not subject to certification.

12.68 Small cannons of the kind used for starting (or controlling) yacht races may be authorised for members of yacht clubs and similar maritime associations. These should be treated as signalling apparatus for certification purposes and should only be authorised for use with blank ammunition, (see Chapter 6).

Historical re-enactment

12.69 The use of firearms in historical re-enactment is most commonly associated with the Sealed Knot and other groups who recreate the English Civil War era, such as

the English Civil War Society. However, periods covered by re-enactors using firearms extend from the Middle Ages to the Second World War and later. Re-enactors possessing black powder (gunpowder) will also need an Explosives Certificate. Muzzle-loading muskets and small cannon are classed as section 2 shotguns for certification purposes. Re-enactors may also use imitation and deactivated firearms which are not subject to certification, especially for the more modern period. However, re-enactors will often wish to demonstrate the workings of their weapons in detail, and weapons falling within section 1 of the 1968 Act will be appropriate for this purpose.

A distinction is made between battle re-enactors and those involved in historical performance where there are characters in a public presentation using some form of a script and rehearsals and firearms and blank ammunition may be needed as props. In the absence of Court rulings, chief officers of police may consider that only the latter qualify for the exemption to hold a certificate under section 12(1) of the 1968 Act (see also Chapter 6).

12.70 Firearms commonly used for re-enactment may include rifles (generally bolt-action or single shot), rifled muskets and other muzzle-loading small-arms, muzzle-loading cannon, other artillery, and guns mounted on tanks, ships and other armoured fighting vehicles. Many Lee-Enfield .303 “rifles” and any other rifles of World War One and Two vintage will have been smooth-bored in the past for use as shotguns, albeit now held as weapons falling within section 1 of the 1968 Act with large capacity or detachable magazines. For large guns with a crew, for example, a muzzle-loading cannon over 2 inch bore, only the gun captain need hold a firearm certificate. Live ammunition for target shooting should not generally be authorised for weapons used for re-enactment. Antique weapons fired with blank ammunition (for example Snider-Enfield and Martini Henry rifles used by Victorian re-enactment groups) should be held on certificate. If any weapon is used for more than one purpose – for example, a re-enactor may wish to hold the same weapon for muzzle-loading target shooting – it should be able to be clarified for the chief officer of police to record the case.

12.71 Re-enactors will normally be a member of an appropriate society for the historical period concerned and be authorised to possess firearms relating to the period and the role played, though this is not a requirement. Some re-enactors, in particular cavalry soldiers, may be members of several societies and play a range of roles with need for a mixture of historical weapons. Muzzle-loading pistols, including muzzle-loading revolvers used by American Civil War re-enactors and “Western Groups”, will normally be authorised for those playing officers, cavalry soldiers or cowboys. In cases of doubt the chief officer of police may wish to consult with the officers and officials of the relevant re-enactment society concerned.

Theatrical use

12.72 Section 12 of the 1968 Act permits people taking part in a theatrical performance, rehearsal or the production of a cinematographic film to possess genuine firearms during the performance or rehearsal. Under these circumstances, a firearm certificate may be issued to the theatre manager or film production armourer (for these purposes, ‘film’ may be held to include television). Persons under eighteen do not qualify for this exemption by virtue of sections 27 and 28 of the 1968 Act, as amended by regulation 4(2) and 4(3) respectively of the 1992 Regulations. For authenticity, there may also be occasions where a genuine prohibited firearm may

be possessed during the performance or rehearsal.

In these circumstances, a section 5 authority will be issued by the Secretary of State, for England and Wales, or Scottish Ministers to the theatre manager or film production armourer. In all circumstances, the firing of live ammunition during performance or rehearsal is not permitted. See also paragraph 12.69 for the distinction between historical performance and battle re-enactment. For more information on the possession and use of prohibited firearms for theatrical and cinematic use see Chapter 3.

Component parts

12.73 Section 57(1D) of the 1968 Act defines the relevant 'component parts' in relation to a lethal barrelled weapon or a prohibited weapon as:

(a) a barrel, chamber or cylinder,
(b) a frame, body or receiver,
(c) a breech block, bolt or other mechanism for containing the pressure of discharge at the rear of a chamber,

but only where the item is capable of being used as a part of a lethal barrelled weapon or a prohibited weapon.

12.74 Component parts of firearms are subject to certificate control and may be authorised if a shooter needs replacement or interchangeable parts.

12.75 Spare cylinders for muzzle-loading revolvers are not normally authorised except for use in "Bianchi" style competitions under National Rifle Association approved courses of fire. It should be noted, however, that some cased sets, both antique and modern reproductions, will contain a spare cylinder, or cylinders, and these may be properly included on certificate for both possession and use.

12.76 Section 3 of the 1968 Act makes it an offence for anyone to sell or transfer an air weapon, including their component parts and accessories (see Home Office circular 031/2007) by way of trade or business unless they are registered with the police as a firearms dealer under section 33 of the 1968 Act.

Spare shotgun component parts are not subject to certificate control except for dealers (see Chapter 2). With regard to air weapons the pressure bearing parts are the barrel, cylinder or reservoir and the piston. Buddy bottles used for filling the reservoir of pre-charged pneumatic air weapons are not considered to be components.

With modern developments in firearms design many modular systems have come onto the market. A modular rifle can be easily changed to other cartridges by fitting interchangeable barrels and/or bolt components to the action. Each new barrel and/or bolt component will require a variation as they are relevant component parts.

Sound Moderators

12.77 Sound moderators were subject to certificate control under section 57(1) of the 1968 Act as an accessory "designed or adapted to diminish the noise or flash caused by firing" a firearm. However, this no longer applies following the changes

made by the Crime and Policing Act 2026 which came into force on 29 June 2026. Instead, Section 2A of the 1968 Act makes it an offence for a person to have in their possession a relevant accessory unless the person holds a firearms certificate or a shotgun certificate, or without an exemption applying. A relevant accessory means an accessory to a firearm to which section 1 applies which is designed or adapted to diminish the noise or flash caused by firing the firearm.

12.78 The 1968 Act and the Firearms (Amendment) Act 1988 provide for a number of situations where a person is allowed to possess a firearm without holding a firearm or shotgun certificate. The following provisions were amended by the Crime and Policing Act 2026 to allow a person to possess a relevant accessory as well as a firearm without holding a certificate:

Firearms Act 1968

- Section 7(1) – a person who has obtained from the chief officer of police for the area in which he resides a permit in the prescribed form.
- Section 8(1) and (1A) – a person carrying on the business of a firearms dealer and registered as such under this Act, or a servant of such a person.
- Section 9(1) - a person carrying on the business of an auctioneer, carrier or warehouseman, or a servant of such a person.
- Section 11(1) - a person carrying a firearm or ammunition belonging to another person holding a certificate under instructions from, and for the use of, that other person for sporting purposes only.
- Section 11(4) - a person, other than the operator, at a rifle range or shooting gallery at which no firearms are used other than air weapons or miniature rifles which have been provided by the operator of the range or gallery.
- Section 11A - Authorised lending and possession of firearms on private premises for hunting etc.
- Section 12(1) - A person taking part in a theatrical performance or a rehearsal thereof, or in the production of a cinematograph film.
- Section 13(1)(a)(b)(c) - Equipment for ships and aircraft.

Firearms (Amendment) Act 1988

- Section 15 – Members of approved rifle clubs and muzzle-loading pistol clubs.
- Section 16A (1) - Possession of firearms on service premises.
- Section 16B (1) - Possession of firearms on Ministry of Defence Police premises.
- Section 17 - New subsection (1ZA) allows possession by the holder of a visitor's firearm permit.

- Section 25(4) - Provides for references in the 1968 Act to a person who is exempt from the certification provisions under that Act to include a person who is exempt under the provisions of the 1988 Act.

- Paragraphs 1(2)(a), (3) and (4) of the Schedule - Museum firearms licences to cover relevant accessories.

12.79 There is no longer any requirement to keep sound moderators in a security cabinet when not in use. Any certificate conditions relating specifically to sound moderators that existed before the change in the law (29 June 2026) cease to apply, following the removal of sound moderators from the legal definition of a firearm. **There is no necessity** for certificate holders to return their certificates to the police to have sound moderators removed from them**.** Any certificate conditions relating specifically to sound moderators prior to the change in law no longer apply following the removal of sound moderators from the legal definition of a firearm and these can be removed if or when the current certificate is renewed.

12.80 With effect from 29 June 2026, there is no longer any requirement in law that the purchase and sale of sound moderators must be through a Registered Firearms Dealer. Similarly, there is no longer any legal requirement on Registered Firearms Dealers to enter transactions involving sound moderators only in their registers. As sound moderators have been de-regulated there is no requirement in law for sales to be face-to-face/in person. In addition, Registered Firearms Dealers (or other sellers) are now under no legal obligation to check whether the purchaser of a sound moderator holds a valid firearms or shotgun certificate before conducting the sale. Section 2A of the Firearms Act 1968 places the obligation on the purchaser not to possess a sound moderator unless they hold a valid firearms or shotgun certificate unless a lawful exemption applies.

12.81 Possession of a sound moderator for use with an air weapon does not constitute an offence in England and Wales. Air weapons are, however, subject to licensing controls in Scotland through the Air Weapons and Licensing (Scotland) Act 2015. Section 1(3)(b) of this Act explicitly includes sound moderators in the definition of air weapons in Scotland. This means that sound moderators for firearms are no longer controlled in Scotland but sound moderators for air weapons continue to be subject to licensing controls there.

Firearms for personal protection

12.82 Applications for the grant of a firearm certificate for the applicant's, or another's, protection, or that of premises, should be refused on the grounds that firearms are not an acceptable means of protection in Great Britain. It has been the view of successive Governments for many years that the private possession and carriage of firearms for personal protection is likely to lead to an increase in levels of violence. This principle should be maintained in the case of applications from representatives of banks and firms protecting valuables or large quantities of money, or from private security guards and bodyguards. The exception to this would be armed guards on UK flagged ships, the justification being the unique threat posed by piracy to cargo and passenger ships in former specific high risk geographical areas.

Members of the Armed Forces and Police Authorised Firearms Officers

12.83 A person in the Armed Forces who wishes to purchase, acquire or have in their possession any firearm for their own private use (that is, as a private citizen rather than in the course of their military duties) must apply to the local chief officer of police for a certificate, and have their application considered in the normal way (including payment of the appropriate fee). “Military training”, “TA training” and “membership of the Army Rifle Association” are not considered to meet the “good reason” requirement.

Possible reasons for the grant of a certificate include: membership of a recognised civilian or military target shooting club, sporting purposes, or shooting vermin. Similar provisions apply to applications from police Authorised Firearms Officers who wish to shoot in a private capacity.

12.84 The Ministry of Defence would appreciate a report being sent to the Commanding Officer of any member of the armed forces who requests a Firearm Certificate quoting “Military Training” or “TA Training” as “good reason” to possess a privately owned firearm.

Reloading ammunition (home loading)

12.85 Certificate holders often load their ammunition in order to improve the accuracy of their firearms. There are too many technical factors to cover within this guidance, and advice should be sought from shooting associations or competent reloaders if the need arises.

12.86 For quarry shooting some bullet designs (soft nose, hollow nose, ballistic tip, thin or thick jacketed or core bonded) may be preferred over another with regard to their behaviour when they strike the quarry or pest species. Certificate holders often develop their preferences based on their own research and development through home loading.

12.87 Whilst there may be some small cost benefit, more often the reasons for home loading are the pursuit of accuracy, safety and performance. Where performance is involved; different quarry types and their physical makeup, the different ranges in which they are to be engaged (e.g. lighter or smaller flatter trajectory bullets for foxes and heavier bullets for deer) all vary, and home loaders may wish to experiment to ascertain the best combinations. It is not unusual for home loaders to manufacture two or three specific rounds in the same calibre for different species e.g. fox, small deer and large deer; this is to achieve a clean kill of more than one species without having to change firearms.

12.88 Home loaders will usually manufacture various batches for testing using a chronograph to measure velocity and thus ascertain the best combinations. Whilst a chronograph is important to home loaders; it is of utmost importance for ammunition intended for use on animals due to legislative requirements such as in the Deer Acts (see Chapter 13 for more information).

12.89 Whilst there are no limits imposed on the number of solid projectiles that a certificate holder may purchase for manufacturing ammunition, a home loader must not manufacture more than the maximum quantity of ammunition authorised by their firearm certificate.

12.90 Some reloaders may test ammunition by firing groups of 3 to 5 rounds, and repeat the group several times to measure consistency. As bullet designs, cases, primers and propellants are so varied, it is not unusual for home loaders to require larger amounts of missiles (bullets) for their research, and possess them in addition to any factory or other home loaded ammunition already held. Load development can be a long process, especially with unusual cartridges; particularly as new products become available.

12.91 Details of relevant explosives legislation governing the manufacture and storage of ammunition and shooters powders can be obtained in the first instance from the local force Explosive Liaison Officer (ELO) or from the Explosives Policy Team, Health & Safety Executive, Redgrave Court, Merton Road, Bootle, Merseyside, L20 7HS.

Quarry Shooting

Note that the absence of a calibre in the table below should not preclude it being considered by the Police. The purpose of this table is as a guide to establish initial “good reason”.

Paragraphs 12.9 and 12.15 to 12.17 should be read in conjunction with this table.

Cartridges	Muzzle energy **(ft lb)**	Vermin & ground game **and other** small quarry[3]	**Fox and** other medium **quarry**[4]	**Deer and other** large quarry[5]	Dangerous Game[6]
.177-.25 Air Rifles (FAC)[1] .22 RF .17 Mach 2 .17 HMR .22 WMR .17 Remington[2] .22 Hornet[2] .204	>12 ft lb 100-200 650-700 800-900	Yes	No (Yes for .17 Remington & HMR, .22 Hornet and WMR – also .22 RF in certain circumstances (see paragraph 12.25))	No	No
.17 Remington2 .218 Bee .22 Hornet2 .22-.250 .220 Swift .222 Remington 5.56mm/.223 .243 6mm PPC 6mm/.244	800-900 600-800 650-700 1,350-1,500 1,300-1,900 900-1,000 1,000-1,400 1,600-2,000 1,300-1,800 1,800-2,100	No (Yes for .17 Remington & HMR, .22 Hornet and WMR)	Yes	No7 (Yes for Muntjac and Chinese water deer in England and Wales – see paragraph 12.31) Yes in Scotland for Roe Deer with .222 and greater.)	No
.243 6mm/.244 .25-06 6.5mm x 55/.256 .257 Weatherby .264 .270 7mm/.275 .284 .30-06 .303 7.62mm x 51/.308 .444 Marlin .45-70	1,600-2,000 1,800-2,100 2,000-2,400 1,800-2,400 2,400-2,900 1,600-2,900 2,450-2,700 2,200-2,400 2,250-2,800 2,600-3,000 1,900-2,400 2,400-2,600 2,500-3,000 1,600-2,400	No	No (Yes for .243 & 6mm/.244) (see also paragraph 12.25)	Yes (but see paragraph 12.30-12.34)	No
.338 .375 9.3mm Mauser .416 .458 Win Mag	3,800-4,000 4,500-5,000 3,500-3,900 5,800-6,000 2,900-4,900	No	No	No	Yes

1 FAC air rifles are not suitable for animals larger than vermin or ground game.
2 .17 Remington and .22 Hornet would be suitable for use against vermin in specific circumstances (also see paragraph 12.19). Foxes may be shot using .22RF but only at short rage,
3 Vermin & Ground Game and other Small Quarry – rat, hare, rabbit, grey squirrel and other similar sized quarry.
4 Medium Quarry – fox, feral cat and other similar sized quarry.
5 Larger Quarry – feral goat, deer, boar, and other similar sized quarry.
6 Dangerous Game – lion, elephant, buffalo, bear etc.
7 But note legal requirements for shooting Roe Deer in Scotland set out in paragraph 12.34 and for shooting Muntjac and Chinese Water Deer in England and Wales set out in paragraph 12.31.

Chapter 13: Law on Shooting Birds and Animals

13.1 This chapter outlines the main legal provisions, outside the Firearms Acts, which relate to the shooting of birds and animals. Chief officers of police will wish to be aware of these in drafting conditions (see Appendix 2) and otherwise authorising shooting which may conflict with these provisions. The laws are varied and complex and chief officers may wish to consult relevant contacts about specific legislation.

Deer

England and Wales

13.2 The Deer Act 1991 (as amended) prohibits the use of certain types of firearm or ammunition for the purpose of taking, killing or injuring deer. These are set out in Schedule 2 of the Act:

Firearms: any smooth-bore gun; any rifle having a calibre of less than .240 inches or a muzzle energy of less than 2,305 joules (1,700 foot-pounds); any air gun, air rifle or air pistol (see also paragraph 13.6).

Ammunition: any cartridge for use in a smooth-bore gun; any bullet for use in a rifle other than a soft-nosed or hollow-nosed bullet.

13.3 Exceptions to section 4(2) of the 1991 Act (firearms and ammunition) are set out in section 6(5) and 6(6). Exceptions to section 4(2) and section 2 (taking or killing deer during close season) are set out in section 7 of the Act.

13.4 Under section 6(2) of the 1991 Act a person shall not be guilty of an offence under section 2 or section 3 by reason of any act done for the purpose of preventing the suffering of an injured or diseased deer.

13.5 Section 6(5) of the 1991 Act provides that a person is not guilty of an offence under section 4(2)(a) by reason of the use as a slaughtering instrument if they use for the purpose of killing any deer a smooth-bore gun which:

a) is of not less gauge than 12 bore;

b) has a barrel less than 24 inches (609.6 millimetres) in length; and

c) is loaded with a cartridge purporting to contain shot none of which is less than .203 inches (5.16 millimetres) in diameter (size AAA or any larger size).

13.6 Section 6(6) of the 1991 Act provides that a person is not guilty of an offence under section 4(2)(a) if they use for the purpose of taking or killing or injuring any Chinese water deer or muntjac deer –

a) a rifle having a calibre of not less than .220 inches and a muzzle energy of not less than 1,356 joules (1000 foot-pounds), and

b) a soft-nosed or hollow-nosed bullet weighing not less than 3.24grammes (50 grains).

13.7 Section 7 refers to exceptions for the occupier of land where deer are, or someone having rights to kill deer on that land (or a person with the written authority of either type of person), and provides that a person is not guilty of an offence under section 2 (taking, injuring or intentionally killing a deer during the close season) if:

a) it has taken place on any cultivated land, pasture or enclosed woodland; and

b) if they had reasonable grounds for believing that deer of the same species were causing, or had caused, damage to crops, vegetables, fruit, growing timber or any other form of property on the land; and

c) that further serious damage was likely to be caused, and his action was necessary to prevent any such damage.

13.8 In this instance a person would not be guilty of an offence under section 4(2)(a) by reason of the use, for the purposes of taking or killing any deer on any land, of any smooth-bore gun of not less gauge than 12 bore which is loaded with either:

i) a cartridge containing a single non-spherical projectile weighing not less than 22.68 grammes (350 grains); or

ii) a cartridge purporting to contain shot each of which is .203 inches (5.16 millimetres) in diameter (size AAA).

13.9 It should also be noted that the deer must be shot on the land where the damage is being caused, and not elsewhere (such as neighbouring land).

13.10 Section 8 of the 1991 Act makes provision for licences to be issued by Natural England, in relation to any land in England, or the Natural Resources Body for Wales, to take deer alive for scientific or educational purposes, or for the purpose of removing deer from one area to another, or to shoot deer during the close season or at night for the purpose of preserving public health or public safety, for conserving the natural heritage, or, in the case of shooting at night, for preventing serious damage to property.

13.11 The Deer Initiative publishes Best Practice guidance on Close Season Shooting and on Night Shooting, which anyone issued with such a licence would be expected to follow. Similarly within Scotland, NatureScot publish Best Practice guidance on the management of wild deer in Scotland.

13.12 Schedule 1 of the 1991 Act (as amended) sets out the close seasons for deer:

Red Deer

Stags	1 May to 31 July inclusive.
Hinds	1 April to 31 October inclusive.

Fallow Deer

Buck	1 May to 31 July inclusive.
Doe	1 April to 31 October inclusive.

Roe Deer

Buck	1 November to 31 March inclusive.
Doe	1 April to 31 October inclusive.

Sika Deer

Stags	1 May to 31 July inclusive.
Hinds	1 April to 31 October inclusive.

Red/Sika Hybrids

Stags	1 May to 31 July inclusive.
Hinds	1 April to 31 October inclusive.

Chinese Water Deer

Buck	1 April to 31 October inclusive.
Doe	1 April to 31 October inclusive.

Muntjac Deer

No statutory close season (this species breeds all year round).

Mercy Killing

13.13 Section 6(4) of the 1991 Act, as amended by the Regulatory Reform (Deer) (England and Wales) Order 2007 ("the 2007 Order"), enables a person to use "any reasonable means" to kill any deer if he reasonably believes that the deer has been so seriously injured (otherwise than by his unlawful act), or in such a condition that he reasonably believes killing it to be an act of mercy. 'Any reasonable means' is defined in s6 (4A) as, "any method of killing a deer that can reasonably be expected to result in rapid loss of consciousness and death and which is appropriate in all the circumstances (including in particular what the deer is doing, its size, its distance from the closest position safely attainable by the person attempting to kill the deer and its position in relation to vegetative cover). Note that where this defence applies, a person will not be guilty of an offence under section 4(1) or 4(2).

Culling of Dependent Young

13.14 Section 6(2A) of the 1991 Act, as inserted by the 2007 Order, provides that it is not an offence for a person to take or kill a deer during the close season or at night where he reasonably believes the deer has been deprived of a female deer on which it was dependent or is about to be deprived as a result of disease or lawful taking or killing of a female deer on which it is dependent. Where section 6(2A) defence applies, a person is not guilty of an offence under section 2 or 3. Section 2 refers to the taking or killing of deer in close season, not outside of it.

Scotland

13.15 Under section 21 of the Deer (Scotland) Act 1996, the Secretary of State for Scotland may make an order regarding the classes of firearms, ammunition, sights and other equipment that may lawfully be used to kill or take deer. The current order on this point is the earlier Deer (Firearms etc) (Scotland) Order 1985 and the main provisions are as follows:

a) For the shooting of deer of any species, a bullet of an expanding type designed to deform in a predictable manner of not less than 80 grains (5.3 grams) with a muzzle velocity of not less than 2,450 feet per second (746.76 metres per second) and a muzzle energy of not less than 1,750 foot-pounds (2,373 joules) may be used.

   For the shooting of roe deer only, a bullet of an expanding type designed to deform in a predictable manner of not less than 50 grains (3.24 grams) with a muzzle velocity of not less than 2,450 feet per second (746.76 metres per second) and a muzzle energy of not less than 1,000 foot-pounds (1,356 joules) may be used.

b) Where an occupier of agricultural land or of enclosed woodland has reasonable grounds for believing that serious damage will be caused to crops, pasture, trees or human or animal foodstuffs on that land if deer are not killed, a shotgun may be used.

c) Any shotgun used must be of a gauge not less than 12 bore and be loaded with the following ammunition (as specified in the Deer (Firearms etc) (Scotland) Order 1985):

   i. For shooting deer of any species, a single non-spherical projectile weighing not less than 380 grains (24.62 grams); or

   ii. For shooting deer of any species, a cartridge purporting to contain not less than 550 grains (35.64 grams) of shot, none of which is less than 0.268 inches (6.81 millimetres) in diameter, that is to say size SSG or larger; or

   iii. For shooting roe deer, a cartridge purporting to contain not less than 450 grains (29.16 grams) of shot, none of which is less than 0.203 inches (6.81 millimetres) in diameter, that is to say size AAA or larger.

   and used for the purpose of taking or killing any deer found on any arable land, garden grounds or land laid down in permanent grass (other than moorland and unenclosed land) and forming part of that land or on enclosed woodland, as the case may be.

Section 26(2) of the 1996 Act makes provision as to who may use a shotgun to kill deer. This is the occupier suffering damage to those interests outlined above and, if duly authorised in writing by the occupier suffering damage for the purpose, any or all of:

i. the owner in person.
ii. the owner's employees.

iii. the occupier's employees, or any other person normally resident, on the land.
iv. any other person approved in writing by Scottish Natural Heritage as a fit and competent person for the purpose.

13.16 Occupiers may control deer over agricultural land or enclosed woodland in season under section 26(1) of the Deer (Scotland) Act 1996 (as amended). Out of season control may be carried out under general or specific authorisation obtained from NatureScot.

13.17 All control of deer out of season must be authorised by NatureScot. Authorisations granted may be general or specific in nature.

13.18 A general authorisation allows for owners and occupiers suffering damage to improved agricultural land or enclosed woodland to cull deer for the purpose of preventing damage. General authorisation does not allow the culling of female deer over one year old of any species between the period of the 1 April and the 31 August. The owner, owner's employees, the occupier's employees or any other person normally resident on the land can carry out control under any general authorisation on enclosed woodland and improved agricultural land without the need to be on the NatureScot fit and competent register.

13.19 Those operating under a general authorisation must have read and understood the general authorisation and carry out any control in accordance with the conditions listed on the authorisation. This general authorisation and its conditions are subject to yearly review and a current copy may be found at NatureScot's website.

13.20 Specific authorisations may be sought for the control of deer to prevent damage to unenclosed woodland or natural heritage, to protect public safety, or for scientific purposes. In addition, specific authorisation must be sought for the control of female deer of any species between 1 April and 31 August.

13.21 Specific authorisations are generally granted only to owners or occupiers of ground or persons nominated by them in writing and who are registered NatureScot as fit and competent. Exemptions may apply for those controlling female deer in enclosed woodland or on agricultural ground between 1 April and 31 August.

13.22 In Scotland, using a vehicle to drive deer with the intention of taking or killing is an offence under section 19 of the 1996 Act. However, NatureScot may authorise owners of land which deer are on, or any person nominated in writing by them, to use any vehicle to drive deer in order to take or kill them for the purposes of deer management.

13.23 Close seasons in Scotland for female deer are provided in the Deer (Close Seasons) (Scotland) Order 2011 (SI 2011/417), and are as follows:

Red Deer
Hinds 16 February to 20 October inclusive.

Fallow Deer
Doe 16 February to 20 October.

Roe Deer
Doe 1 April to 20 October inclusive.

Sika Deer
Hinds 16 February to 20 October inclusive.

Red/Sika Hybrids
Hinds 16 February to 20 October.

From 21 October 2023, The Deer (Close Seasons) (Scotland) Amendment Order 2023 removed the close season in respect to the male deer species listed above.

Muntjac and Chinese Water Deer
No statutory close season.

13.24 Note: The functions of the Deer Commission were transferred to NatureScot (formerly known as Scottish Natural Heritage) in 2010, and the commission was dissolved..

Night Shooting of Deer

England and Wales

13.25 Section 3 of the 1991 Act makes it an offence to take or intentionally kill a deer at night. 'Night' is defined as being the period between the expiry of the first hour after sunset and the beginning of the last hour before sunrise.

13.26 A person may shoot deer at night under the provisions of a licence issued by Natural England or Natural Resources Wales under section 8 of the 1991 Act for the purpose of preserving public health or public safety, for conserving the natural heritage, or for preventing serious damage to property.

13.27 A person shall not be guilty of an offence if the shooting of deer at night is conducted in pursuance of a Notice issued by DEFRA under section 98 of the Agriculture Act 1947. No person shall also be guilty of an offence if deer are killed at night if such a killing is to prevent the suffering of an injured or diseased deer under section 6(2) of the 1991 Act.

Scotland

13.28 Section 18 of the Deer (Scotland) Act 1996 (as amended by section 26(5) of the 2011 Act) makes it an offence to take or wilfully kill or injure deer at night. 'Night' is again defined as being the period between the expiry of one hour after sunset and the beginning of the last hour before sunrise. An occupier or person nominated by the occupier must satisfy NatureScot that they are fit and competent to receive authorisation (see section 37(1)), they may then be granted authorisation from NatureScot to shoot deer at night if:

i. either the taking or killing is necessary to prevent damage to crops, pasture, human or animal foodstuffs, or to woodland; or

ii. the taking or killing is in the interests of public safety, and

iii. no other means of control which might be reasonably adopted in the

circumstances would be adequate.

13.29 NatureScot publishes a code of practice for night shooting (see section 37(5) of the Deer (Scotland) Act 1996), which sets out the conditions which a certificate holder is obliged to follow. These are:

i. The authorisation document must be completed and returned to NatureScot not later than seven days after the date of expiry with details of any deer killed under authorisation.

ii. NatureScot reserves the right to accompany controllers at any time to determine that the terms and conditions of the authorisation are being applied.

iii. NatureScot may withdraw the authorisation at any time.

iv. That the person authorised will comply with the Code of practice for Shooting Deer at Night .

v. That the person authorised will inform the local police and neighbours of the times night shooting will take place.

vi. That prior to commencement of shooting, the person authorised will warn any person, who to that person's knowledge, is likely to be on the land at the above mentioned location of the issue of this authorisation and the intention to take or kill deer.

vii. The authorised person must comply with The Deer (Firearms etc.) (Scotland) Order 1985 and appropriate sections of the Deer (Scotland) Act 1996 (as amended).

viii. A minimum of two persons are required to operate under this authorisation.

ix. In woodland, a suitable dog must be present to track wounded deer and prevent unnecessary suffering.

13.30 There is no longer a requirement to use larger calibre rifles for night shooting; controllers must ensure firearms meet minimum requirements as set out in paragraph 13.15.

13.31 Use of head and neck shots are not recommended for night shooting. As with all other authorisations, minimising the risk to public safety and protecting animal welfare are the controller's responsibility.

13.32 For Scotland, further advice on the 1996 Act and its revisions can be obtained from NatureScot: Contact us | NatureScot.

Wildlife and Countryside Act 1981

13.33 The Wildlife and Countryside Act 1981 ("the 1981 Act") makes it a criminal offence to intentionally kill, injure or take any wild bird (in England and Wales, game birds are similarly protected by the Game Act 1831). However, quarry species (listed in Schedule 2, Part I) and game bird species (listed in section 2 of the Game Act) may be killed during prescribed open seasons. In certain circumstances an 'authorised person' is also permitted to kill or take certain species during the closed season covered by General or Individual Licences.

13.34 Copies of General Licences are available online at the following links:

England - Natural England

Wales - Welsh Government

Scotland - NatureScot

13.35 Individual licences may be issued by wildlife licensing authorities to individuals or groups of people. Section 27 of the 1981 Act does not define game birds separately from wild birds; game birds such as common pheasant and red grouse are captured by the definition of 'wild birds'. It is possible to shoot them in the open season without a licence, and they are listed in Schedule 2, Part I as per other quarry species, but a licence is required to shoot them in close season (see paragraphs 13.47 and 13.48 below). The definition of a game bird in section 27 of the 1981 Act was repealed in Scotland (see section 2 of the Wildlife and Natural Environment (Scotland) Act 2011), with the result that game birds are not defined separately from wild birds in Scotland

13.36 A number of animals are protected under Section 9 of the Wildlife and Countryside Act 1981 (as amended) via their inclusion in Schedule 5 of the Act. These species include:

i. red squirrels,
ii. dormouse,
iii. water voles and
iv. adders.

13.37 In England and Wales, those animals that are known as European Protected Species (including all bats, otters and whales) are included in Schedule 5 for certain offences, but receive protection mainly from the Conservation of Habitats and Species Regulations 2017 (SI 2017/1012) in England and Wales. In Scotland, European protected species receive protection through the 2010 Regulations (SI 2010/490) for reserved matters and through the Conservation (Natural Habitats) Regulations 1994 (SI 1994/2716) (as amended in Scotland).

13.38 It is an offence under section 9(1) of the 1981 Act to intentionally kill, injure or take any species listed in Schedule 5. Section 9(4) states that the intentional or reckless damage, destruction or obstruction of any structure the animal uses for shelter or protection, or disturbing the animal while it is occupying such a structure, is also an offence.

13.39 In brief, the exceptions to the offences in relation to birds and animals include:

i. humane destruction of sick or injured birds or animals where there is no reasonable chance of recovery and, in England and Wales, where there is no satisfactory alternative. Further guidance on this exception can be sought from DEFRA;

ii. taking injured birds or animals for the purpose of rehabilitation

iii. where the act was the incidental result of a lawful operation and could not reasonably have been avoided, in circumstances where the person

concerned could not reasonably have foreseen that the unlawful act would be an incidental result of carrying out the lawful operation:

iv. if it can be shown that action was necessary for the purpose of preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber or any other form of property or to fisheries under the 'farmer's defence'; or

v. under a licence issued by the relevant licensing authority.

Taking and killing under the Wildlife and Countryside Act 1981

13.40 Species listed in Schedule 2, Part I of the 1981 Act may be killed or taken outside the close season.

13.41 Species include:

- Canada Goose
- Coot
- Common Snipe
- Gadwall
- Goldeneye
- Golden plover
- Greylag Goose
- Mallard
- Moorhen
- Pink-footed Goose
- Pintail
- Pochard
- Shoveler
- Teal
- Tufted Duck
- White-fronted Goose (England and Wales only, except (in England) Greenland White-fronted Goose)
- Wigeon
- Woodcock

Wild ducks and wild geese (inland) may be taken or killed from 1 September to 31 January; and those in or over any area below the high-water mark of ordinary spring tides may be taken or killed from 1 September to 20 February. See sections 2(4)(c) and (d) of the 1981 Act.

Note: In England and Wales the high-water mark is "the area of sea shore which is more often than not covered by the flux and reflux of the four ordinary tides occurring midway between springs and neaps". For Scotland it is "the area between high and low water marks of ordinary spring tides".

Prohibited use of lead shot

13.42 You must not use lead shot to shoot:

- on or over any area below the high-water mark
- within sites of special scientific interest designated for their important wetlands – (see Schedule 1 of the 1999 Regulations)
- all species of ducks, geese and swans
- coot
- moorhen
- golden plover
- common snipe

Shooting restrictions during severe winter weather

13.43 The severe weather scheme is a voluntary restraint on waterfowl shoots. Under the scheme, for freezing periods of 14 consecutive days or more, you must check if there is a statutory suspension on killing or taking any bird listed in Schedule 2 Part 1 of the 1981 Act. The Secretary of State may order a statutory suspension of the shooting of any wild bird listed on Part II of Schedule 1 or Part I of Schedule II of the 1981 Act outside of the close season for those birds by making a Protection Order under section 2(6) of the 1981 Act. This is a mandatory restraint on shooting which can last for up to 14 days. Read more about the severe weather scheme and when voluntary or statutory suspension applies on the Joint Nature Conservation Committee website. The British Association for Shooting and Conservation will also advertise periods of suspension. During periods of statutory suspension, you can kill or take Canada geese if it is essential. You must try to avoid disturbing any other wildfowl.

Dates when other birds may be taken or killed (all dates are inclusive)

Coot, Moorhen, and Golden Plover may be taken or killed outside the close season from 1 September to 31 January in England, Wales and Scotland.

Common Snipe	12 August – 31 January (England & Wales) 12 August – 31 January (Scotland)
Woodcock	1 October – 31 January (England & Wales) 1 September – 31 January (Scotland)

In Scotland, under Section 2(3) of the 1981 Act, the shooting of birds listed in Part I and also in Part IA of Schedule 2 is not permitted on Sundays and Christmas Day.

In England and Wales, the shooting of birds listed in Schedule 3 of the Protection of Birds Act 1954 is prohibited on Sundays in the following counties (or parts of counties in existence before the 1974 local authority re-organisation):

- Anglesey
- Brecknock
- Caernarvon
- Carmarthen
- Cardigan
- Cornwall
- Denbigh
- Devon

- Doncaster
- Glamorgan
- Great Yarmouth County Borough
- Isle of Ely
- Leeds County Borough
- Merioneth
- Montgomery
- Norfolk
- Pembroke
- Somerset
- North and West Ridings of Yorkshire.

13.44 Section 5(1)(c) of the 1981 Act prohibits the use of certain methods, including automatic and semi-automatic weapons (automatic weapon and semi-automatic weapon as defined in Section 27 do not include any weapon where the magazine is incapable of holding more than two rounds) for killing or taking any wild bird, except under a licence issued by the relevant wildlife licensing authority for each UK country.

13.45 Section 11(2) prohibits the use of certain methods, including automatic and semi-automatic weapons, for the killing or taking of any animal in Schedule 6, except under a licence issued by the relevant wildlife licensing authority for each UK country.

Conservation of Habitats and Species Regulations 2017

13.46 These regulations (also known as the 'Habitats Regulations') give protection to certain animal species which are known as European protected species, including all bats, otters, dormice, wild cats, dolphins, porpoises and whales. Regulation 39 of the Conservation (Natural Habitats etc) Regulation 1994 (SI 1994/2716) makes equivalent provision for Scotland.

It is an offence to deliberately (or recklessly in Scotland) capture, injure or kill any wild animal of a European protected species. It is also an offence to deliberately (or recklessly in Scotland) disturb, to deliberately (or recklessly in Scotland) take or destroy eggs, or to damage or destroy a breeding site or resting place of such an animal (note: there is no requirement for the final offence to be deliberate or reckless).

The exceptions to the offences are:

i. capture, possess, control or transport a disabled animal for the purpose of rehabilitation (the defence can only be used provided that there is no satisfactory alternative course of action and the intended action would not be detrimental to maintaining the favourable conservation status of the species);

ii. the humane destruction of sick or injured animals where there is no reasonable chance of the animal's recovery (the defence can only be used provided that there is no satisfactory alternative course of action and the intended action would not be detrimental to maintaining the favourable conservation status of the species), or; if the animal was lawfully held in captivity.

Game

13.47 Dates when Game birds may be shot (taken/killed) without the need for a licence are as follows from section 3 of the Game Act 1831 (all dates inclusive):

England and Wales

13.48

Partridge	1 September – 1 February
Pheasant	1 October – 1 February
Black Game (heathfowl)	20 August – 10 December*
Grouse	12 August – 10 December
Capercaillie	1 October – 10 December†

*except in Devon, Somerset and in the New Forest in Hampshire when the open season is between 1 September and 10 December.

† While Capercaillie are not currently found in England and Wales as of 2021, they can legally be shot between these dates.

13.49 Note: There are no defences for the killing of the above species of game birds in the close season. Licences cannot be issued under either the Game Acts or the Wildlife and Countryside Act 1981 (as amended) to kill or take game birds during the close season. However, in exceptional circumstances, where the birds are causing serious crop damage, a Notice may be served under section 98 of the Agriculture Act 1947.

13.50 In England and Wales it is also an offence to kill or take game as defined by the Game Act 1831 (hares, pheasants, partridges, grouse, heath or moor game, black game) on a Sunday or Christmas Day outside of the close season.

Scotland

13.51 Dates when game birds may be shot, taken or killed are as follows, taken from section 2(4) of the Wildlife and Countryside Act 1981, as amended by the Wildlife and Natural Environment (Scotland) Act 2011. Note that section 2 of the1981 Act applies, as per section 74, and that all dates are inclusive:

Pheasant	1 October – 1 February
Partridge	1 September – 1 February
Black grouse (heathfowl)	20th August to 10th December
Red grouse (muirfowl)	12th August to 10th December
Ptarmigan	12th August to 10th December

13.52 Note: Section 2(1) of the 1981 Act states that a person will not be guilty of an offence of killing, taking, or injuring a bird listed in Part I of Schedule 2 outside of close season. Section 2(2) of the 1981 Act states that an authorised person will not be guilty of an offence of killing, taking or injuring a bird listed in Part II of Schedule 2. However section 2(3) states that in Scotland, section 2(1) (exception to the offence relating to the protection of wild birds) does not apply on Sundays and Christmas day. This means that in Scotland, a person may be guilty of a section 1 offence under the 1981 Act if they kill, take or injure a bird listed in Part I and Part IA of Schedule 2 on a Sunday or on Christmas day. In England and Wales, section 2(1) does not apply on Sundays in any area of England and Wales which the

Secretary of State has prescribed (see areas listed at paragraph 13.43 above). Therefore, in England and Wales, it is an offence to kill, take or injure a bird listed in Part I of Schedule 2 on a Sunday in one of those areas in England and Wales, regardless of whether the individual would otherwise have a legal right or permission to do so.

13.53 Capercaillie are a protected species in Scotland due to the Wildlife and Countryside Act 1981 (Amendment) (Scotland) Regulations 2001.

Ground Game

England and Wales

13.54 In England and Wales ground game (hares and rabbits) have no close seasons, therefore people with shooting rights can shoot ground game all year. In addition, the Ground Game Act 1880 gives an occupier, or one other person authorised in writing by them, a concurrent right to shoot ground game on the land they occupy regardless of whether they hold the shooting rights on that land or not. However, on moorland and unenclosed land the right given to occupiers to shoot ground game is restricted to the period running from 11 December to 31 March inclusive.

An occupier can only authorise persons who are:

i. members of their household, resident on the land in his occupation

ii. persons in their ordinary service (i.e. an employee) on such land, and;

iii. any other person employed by them for reward in the destruction of ground game.

13.55 Under the Conservation of Habitats and Species Regulations 2017 (schedule 4), Blue (mountain) hares cannot lawfully be shot with automatic or semi-automatic weapons with a magazine capable of holding more than two rounds of ammunition. Under the Game Act 1831, hares cannot be shot on a Sunday or Christmas Day.

Scotland

13.56 On 1 March 2021, mountain hare was added to Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and so have full protection. This means, for example, that anyone who intentionally or recklessly kills, injures or takes mountain hare without a licence will be acting unlawfully. A licensing scheme for mountain hare is available for persons wanting to kill or take mountain hare: Hares and licensing | NatureScot. Please note the legislative requirements for brown hare have not changed.

13.57 In Scotland it is an offence to intentionally or recklessly kill, injure or take brown hare in their close season as per sections 10A and 10B of the Wildlife and Countryside Act 1981, as inserted by the Wildlife and Natural Environment (Scotland) Act 2011. It is possible to obtain a licence to control brown hare during their close season.

The close season for brown hare is 1 February – 30 September inclusive. The close season may be varied by Scottish Ministerial order.

13.58 Defences are available for shooting in the close season – mercy killing, rehabilitation, or to prevent serious damage to property (including growing timber and crops) – although restrictions apply.

13.59 Poaching hares and rabbits is further legislated for in Scotland – it is illegal to intentionally or recklessly kill, injure or take brown hare and rabbit unless you have the right to do so or the permission of someone with the right to do so.

13.60 There is a defence if the animal is disabled and will not recover, provided the injury to the animal was not caused by the illegal act of the person killing the disabled animal.

13.61 It is also illegal to kill or take mountain hare using semi-automatic or automatic weapons with a magazine capable of holding more than two rounds of ammunition without a licence since this animal is listed on Schedule 3 of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended in Scotland).

Night Shooting of Ground Game

13.62 The relevant provisions are:

England and Wales

13.63 The use of firearms at night for shooting ground game is prohibited under section 6 of the Ground Game Act 1880 – night-time is between the expiration of the first hour after sunset and the last hour before sunrise. Schedule 7 of the Wildlife & Countryside Act 1981 provides an exemption for occupiers of land, or one other person authorised by them, to use firearms at night for the purpose of killing ground game if the occupier has the written authority of a person entitled to kill or take the ground game on that land, that is the holder of the shooting rights.

Scotland

13.64 Section 50 of the Agriculture (Scotland) Act 1948, which also prohibited shooting at night (Section 50 of the Agriculture (Scotland) Act 1948 defines night as “between the expiration of the first hour after sunset and the commencement of the last hour before sunrise). Additionally, Schedule 7 of the Wildlife & Countryside Act 1981 provides as follows:

1. it is not unlawful for the owner of shooting rights on any land, or any person holding those rights from them, or the occupier (subject to 2 below) to use a firearm for the purpose of killing ground game thereon at night;

2. the occupier of any land shall not use a firearm to kill ground game at night unless (except where they have the exclusive right) they have first obtained written authority of the other person or one of the other persons entitled to kill and take ground game on the land;

3. an occupier who is entitled to use a firearm for the purpose of killing ground game may, subject to the provisions of section 1 of the Ground Game Act 1880, authorise one other person to use a firearm.

Badgers

13.65 The Protection of Badgers Act 1992 (as amended) makes it a criminal offence to wilfully kill, take or injure badgers except in limited circumstances (for example, as a mercy killing, as an incidental result of a lawful action or under a licence issued by the appropriate wildlife licensing agency). If badgers are to be killed by a firearm, this must be done with a smooth-bore weapon of not less than 20 bore or a rifle using ammunition having a muzzle energy of at least 160 foot-pounds and a bullet weighing not less than 38 grains. This is in accordance with section 2(1)(d) of the 1992 Act.

Dogs

13.66 Section 9 of the Animals Act 1971 provides a defence in any civil proceedings for killing or injuring a dog if the defendant acted to protect livestock, and subsequently informs the police within forty-eight hours of the incident. The defendant can only act in defence of livestock in such a way if the livestock, or the land on which it is, belongs to them or to any other person under whose express or implied authority they are acting. Note that the Animal Act 1971 does not extend to Scotland – see section 13(4).

Pests Act 1954

13.67 Under the Pests Act 1954, and the Rabbit Clearance Order number 148, the whole of England and Wales, apart from the City of London, the Isles of Scilly and Skokholm Island, has been declared a rabbit clearance area. Within this area, occupiers of land have a continuing obligation to kill or take any wild rabbits living on, or resorting to, their land, or to prevent the rabbits from causing damage elsewhere by, for example, fencing them in with rabbit-proof fencing. Failure to fulfil these obligations may lead to the occupier being prosecuted or the work carried out at their expense.

Control of Seals

13.68 Legislation relating to seals is to be found in the Conservation of Seals Act 1970 and Schedule 9 of the Fisheries Act 2020. In the UK, as of 1 March 2021, it is an offence to intentionally or recklessly kill, injure or take a seal. In Scotland, the 1970 Act has been repealed and the protection of seals is now secured under Part 6 of the Marine (Scotland) Act 2010.

Chapter 14: Permits

14.1 This chapter outlines the legal authority that allows chief officers of police to issue permits, and then goes on to explain the various forms used for different types of permits, and the terms that should be specified on issue. Visitor's firearm and shotgun permits are dealt with separately in Chapter 26.

Introduction

14.2 Chief officers of police are authorised by section 7 of the 1968 Act to issue permits in circumstances when it would not be appropriate to issue a firearm or shotgun certificate, or to register a person as a firearms dealer. A permit can only be issued in respect of firearms and ammunition to which sections 1 or 2 of the 1968 Act apply, which the applicant for the renewal of a certificate or, in the case of a surviving relative or receiver, the previous holder of the certificate, was authorised to possess under section 1 of the Act. For example, a permit should be issued to authorise the temporary possession of firearms or ammunition by a relative or the executor of a deceased person or the receiver or liquidator of a bankrupt.

14.3 A permit may not be issued to authorise the purchase or acquisition of firearms or ammunition (although section 5(1) of the Firearms (Amendment) Act 1988 allows the holder of a permit to purchase section 2 shotgun ammunition). Firearms that are subject to section 5 of the 1968 Act, (for example firearms held under sections 2 to 8 of the 1997 Act), cannot be held on a permit. Chief officers should complete basic background checks (PNC, local Intel and consider PND) to ensure the suitability of the applicant if it does not involve an existing certificate holder.

14.4 Permits should be issued by chief officers where a certificate has not been re-issued or where a variation has been delayed and the applicant has made the application in good time. This may be appropriate where the renewal of a certificate is so delayed that the applicant may otherwise be left without permission to continue possessing and using their firearm and ammunition. This may not be the case where the applicant or his referees had been uncooperative and, is, or are, substantially responsible for the delay. In these circumstances, the applicant should be advised to arrange for the firearms and ammunition to be placed in storage with a registered firearms dealer or another suitably authorised certificate holder.

14.5 Permits may also be issued by chief officers to allow an individual to have a firearm in his/her possession for reasons such as the disposal of a firearm that has been removed from an individuals firearm certificate or reasons such as when an individual is found to no longer have a "good reason" to possess the weapon or they are in the process of selling/transferring the firearm to another authorised person or firearms dealer. In these circumstances chief officers may wish to consider issuing a short term temporary permit (valid for two months) to enable the individual to dispose of the firearm.

Types of permit

14.6 The various forms for issuing permits are:

i) Form 111, this authorises, under section 7(1) of the 1968 Act, the possession (unless the terms indicate otherwise) of firearms and ammunition to which section 1 of the 1968 Act applies. The permit must give details of the firearms and ammunition it covers, and must show the date on which it expires.

ii) Form 112 is similar to Form 111 but related to shotguns. It should specify the shotguns to which it relates (see paragraph 14.3 about the purchase of section 2 ammunition). This permit does not allow the possession of Section 5(1A)(a) disguised shotguns held on a shotgun certificate as part of a collection.

iii) Form 213. Issued under section 9(2) of the 1968 Act, permits an auctioneer to sell by auction, expose for sale by auction, or have their possession for sale by auction, the firearms, ammunition, shotguns and/or air weapons specified in the permit until the date of expiry shown on the permit.

iv) Form 115 may be issued, under section 13(1)(c) of the 1968 Act, to authorise the removal of a firearm (but not ammunition) from a ship or hovercraft for any purpose specified in the permit (for example, for repair or servicing, sale, breaking up, return to store, or removal to another ship or hovercraft). It may also authorise the removal of a firearm to a ship or hovercraft (for example after repair or from store). The place to or from which the firearm is to be removed should be specified in the permit. Without such a permit, it is an offence to bring a firearm ashore even for repair. There is no legal definition for what constitutes a “ship”, and in the absence of a Court ruling, it is generally taken to mean a vessel designed as ocean-going rather than one designed to travel on inland waterways.

14.7 The permit should only be issued to the owner or charterer of the ship or hovercraft, the owner or charterer’s agent, a responsible officer of the ship or hovercraft or a person nominated by one of the aforesaid persons. While the provisions of section 13(1)(c) of the 1968 Act are not limited to firearms forming part of the ship’s or hovercraft’s equipment, a permit should in general only be issued in respect of firearms which are genuinely part of the ship or hovercraft’s equipment, and it should be issued only if the police are satisfied as to the purpose for which the firearm is being removed and the proposed destination of the firearm. In some circumstances, for example where a ship is docked for extensive repair, the ship has been impounded or for some other reason the captain and crew cannot stay aboard, and where there are concerns about security, it might be appropriate to accede to a request to take such a firearm on shore for temporary secure-keeping. Form 115 may also be issued, under section 13(1)(c) of the 1968 Act, to authorise the removal of signalling apparatus from or to an aircraft or aerodrome for any purpose specified in the permit.

Terms of permit

14.8 It will normally be appropriate to issue permits under sections 7(1) and 9(2) of the 1968 Act subject to suitable terms. The terms of permits should be as follows, taking account of the individual circumstances in each case:

In the case of permits relating to firearms and (section 1) ammunition, the person to whom the permit has been issued should:

i. inform the chief officer of police at once of the name and address of any person, other than a registered firearms dealer, purchasing or acquiring any of the abovementioned firearms and ammunition.

In all cases the person to whom the permit has been issued should:

i. immediately inform the chief officer of police by whom the permit was granted, of the theft, loss, destruction or deactivation of any firearm, ammunition or shotgun to which the permit relates;

ii. at all times take reasonable precautions to ensure the safe custody of the firearms, ammunition or shotguns to which the permit relates;

iii. return the permit to the chief officer of police on or before expiry date; and

iv. on written request, return the permit to the chief officer of police without delay.

Chapter 15: Registration of firearms dealers

15.1 This chapter covers the following:

i. the requirement for the police to keep a register of firearms dealers;

ii. the means by which applications to go on the register are considered;

iii. the form and conditions of registration;

iv. the certificates of registration themselves;

v. information on police inspection of those registered;

vi. removal from the register; and

vii. the requirement placed on dealers to notify transfers.

This chapter should be read alongside the Statutory Guidance for Chief Officers of Police.

Definition of registered firearms dealer

15.2 A dealer is defined at section 57(4) of the 1968 Act as a person or a corporate body who, by way of trade or business: manufactures, sells, transfers, repairs, tests or proves firearms or ammunition to which section 1 of that Act applies, or shotguns; or sells or transfers air weapons. Firearms dealers are not authorised to trade in prohibited weapons without the Secretary of State's or Scottish Minister's authority (see paragraphs 15.33 to 15.37).

15.3 If the person trading is a body corporate, that body and not a servant or officer of the company must be registered as a dealer. Failure to do so may result in offences being committed by those who trade with the body corporate. Where the registration is made in the name of an officer or servant of the company, the person registered should be the body corporate. It is important that the status of the applicant be clearly and correctly established and that the correct 'person' is properly registered.

Statutory requirement to keep a register of firearms dealers

15.4 Under section 33(1) of the 1968 Act, chief officers of police are required to keep in the prescribed form a register of firearms dealers in their area. The prescribed form of register is set out in Part III of Schedule 5 of the Firearms Rules 1998.

Applications to go on the register of firearms dealers

15.5 Section 33(2) requires the chief officer of police to enter in the register the name of any persons (including bodies corporate) who having or proposing to have a place of business in the area, applies to be registered as a firearms dealer unless:

(a) they are prohibited by a court under section 45 of the Act from being registered;

(b) the chief officer of police is satisfied that they cannot be permitted to carry on business as dealers in firearms without danger to the public safety or to the peace; or

(c) the chief officer of police is not satisfied that the applicant will engage in business as dealers in firearms to a substantial extent or as an essential part of other trades, businesses or profession.

Game fairs and other temporary events

15.6 Firearms dealers wishing to carry on business, including exhibiting for the purposes of their business, at game fairs, arms fairs etc. in another force area must be registered by the chief officer of police for that area and are required to pay the appropriate fee to register a temporary place of business. Contact between the police areas involved should help to expedite decisions on such applications. Conditions specifically relating to the event will be placed upon the certificate. The decision to allow the RFD certificate to stay in force for the full three years or for only the duration of a single event is at the discretion of chief officers. Authority granted for ad hoc attendance or one-off events should include set-up and take down time and be site specific.

Form of Register of transactions

15.7 Although section 40 of the 1968 Act and Rule 10(4) of the Firearms Rules 1998 (as amended by the Firearms (Amendment) Rules 2007) lay down the information required to be entered into the Register of transactions, the form of the Register is not prescribed. It may be kept by means of a computer (section 40(4) of the 1968 Act).

15.8 Section 3(1)(c) of the 1968 Act (as amended by section 31 of the Violent Crime Reduction Act 2006) makes it an offence for anyone to sell or transfer an air weapon, including component parts and accessories (see Chapter 12) by way of trade or business unless they are registered with the police as a firearms dealer under section 33 of the 1968 Act. In accordance with section 58(2) of the 1968 Act, it will not be necessary to register as a dealer where sales or transfers involve only antique air weapons which are kept as curiosities or ornaments (see Chapter 8). Dealers are not required to keep records of air weapon ammunition sales.

15.9 For those dealers who keep paper records there are a number of commercially produced registers on the market which take the form of a bound volume with numbered pages for individual transactions laid out across the double pages. Acquisitions on the left hand page and the corresponding disposal entries opposite. Firearms dealers are encouraged to purchase such registers but in any event the actual register used should conform to that design. Exercise books and card index systems will not be accepted. Whilst firearms dealers can continue to keep paper-based records we would continue to recommend the use of computerised records as a matter of best practice.

15.10 For records kept by means of a computer, the legislation (section 40(4A) of the 1968 Act) requires that the information required by law can be readily produced in a form which is visible and legible and can be taken away. Daily backups of data should be taken and then stored in such a way as to preserve its integrity in a disaster situation. Alternatively the system should produce a daily hard copy of transactions, dated and page numbered so that there is an effective paper trail. In order to reduce the risk of fraud, dealers should be encouraged to establish procedures involving and identifying separation of duties and accountability and to show by whom and when the daily register record was created, updated or amended.

15.11 Section 39 of the 1997 Act requires a central register relating to firearms to be maintained for not less than 20 years from the date on which they are first entered onto the register. This is achieved under section 39(2)(d) of the 1997 Act with the records maintained on police IT systems – NFLMS in England and Wales and SHOGUN in Scotland. Dealers will continue to maintain their records for the five years as specified under section 40(3A) of the 1968 Act.

15.12 Firearms dealers should also be encouraged to keep separate records for firearms, ammunition, repairs and prohibited weapons. In the last case this will be a condition of the grant of the Secretary of State's authority.

Certificates of registration

15.13 Section 33(4) of the 1968 Act provides that, when registered, a dealer shall be granted a certificate of registration. The Act does not provide for a prescribed form of certificate. A suitable template is available for use on the NFLMS, which forces in England and Wales are required to use.

15.14 Form 117 constitutes the certificate of registration for the dealer and lists all the premises from which the dealer operates within that police area and any conditions imposed on the principal place of business.

15.15 Form 118 is for any conditions imposed on other premises and a separate copy is completed for each premises. Forces will wish to record the issue of the certificate(s) upon the entry for each dealer in the main register. The form of certificate of registration provides for two identification numbers; the number of the entry in the register of dealers and the serial number of the certificate. The number of the entry in the register of dealers has been found useful for reference by both police and dealers and it is desirable that this number should be quoted in the certificate of registration in addition to the serial number of the certificate.

Border Policing Command of the NCA

15.16 Under a Joint Agreement with the police, Border Policing Command of the National Crime Agency (NCA) has a role with the inland control of firearms dealers. This requires those concerned in whatever way with the import and export of firearms and other goods to produce for inspection, records and transaction documentation in order to counter and deter illicit imports and diverted exports.

15.17 Border Policing Command of the NCA conducts its own programme of inspections, which are carried out on a risk assessed basis. Forces and Border Policing Command are encouraged, in order to minimise interference with legal trade, to make joint visits where possible.

15.18 The benefits of close co-operation between firearms licensing departments and FXOs is that a clear and coherent approach to local firearm control and enforcement responsibilities can be formulated which will lead to avoidance of any apparent duplication of control effort and, through sharing of intelligence, early identification of suspect activity.

Removal from register of dealer's name or place of business

15.19 It is undesirable to retain on the register a person who is no longer carrying on business as a firearms dealer in the police area. Having given reasonable notice, a chief officer of police shall remove a name from the register on this ground or because of danger to the public safety or to the peace. Where a name is removed from the register, the chief officer should write to the applicant setting out the grounds for this action. The chief officer may also remove a dealer from the register if the dealer is the subject of a court order under section 45(1) of the 1968 Act. However, the chief officer may not act in the matter during the period allowed for an appeal if the court has suspended the operation of the order pending the appeal (section 45(3) of the Act).

15.20 It follows that the chief officer of police will need to write twice to any firearms dealer who is to be removed from the register. The first letter will give reasonable notice (usually 21 days) of the chief officer's intention and allow time for the firearms dealer to make any representations; if the dealer is unsuccessful in this regard the chief officer's second letter will confirm that removal action has been effected.

15.21 A valid notice of appeal cannot be lodged with the Crown Court or Sheriff Court in Scotland until after the second letter has been issued, as it is the decision to remove from the register that triggers the right of appeal, as opposed to the chief officer's letter indicating that he is proposing to make such a decision. The removal of their name from the register will preclude the appellant from carrying on business as a firearms dealer unless their appeal is allowed.

15.22 It should be noted that the certificate of registration merely provides evidence that a dealer's name has been entered in the register. It does not, of itself, confer registration. Under section 45(1), a court may order that the name of the dealer be removed from the register; however under 45(3) a court may suspend the operation of its order pending appeal. If this is the case, a dealer's name will remain on the

register and therefore the dealer may lawfully trade. If a dealer is removed from the register under section 38, they may not continue to trade pending appeal. If appeal under section 38 is successful, the dealer will not have to surrender their certificate of registration, or their register of transactions, under section 38(8).

Notification of Transfers

15.23 In transferring firearms and shotguns to certificate holders, firearms dealers are obliged by section 32(2)(b) of the 1997 Act to comply with any instructions contained in the certificate produced. Those instructions require that notification, and details of the transaction be notified to the chief officer of police of the force which issued the certificate within 7 days.

15.24 Section 42A and 42B of the 1968 Act specify the notification requirements. Accordingly, under section 42A(1), notification must be sent by 'permitted means'. This includes notification via recorded or special delivery or by 'permitted electronic means'. Where notification is sent electronically it must be to an existing electronic address. Firearms licensing departments wishing to receive notification electronically must therefore ensure that they have a working and secure email address. The exception to the notification requirements is in the case where information is sent to dealers and certificate holders, etc, by the police, the Secretary of State or Scottish Ministers. In those instances, notification by recorded and special delivery is permitted but notification by electronic communication can only be used where:

- the recipient has given a written statement to the body concerned that he accepts electronic notification. This may be limited to particular type of notice specifying the form(s) of communication and an electronic address for each form; and

- the notice must be sent to the address specified for that form of electronic communication.

15.25 When accepting a gun from a "person unknown" or when accepting an unlicensed gun, a dealer should notify the local police firearms licensing department. When firearms are handed in for destruction, the dealer should make the appropriate entry in his register and, if the person handing in the weapon is a certificate holder, he should be advised to notify the transaction in the ordinary way. When the dealer intends to destroy any such firearm he should advise the police so that they may be present if they so wish. Police should oversee the destruction if at all possible. Where this is not possible, the dealer should provide the police with some form of proof that the destruction took place.

15.26 There is no legislative requirement to notify chief officers of police when transferring firearms to persons who are exempt for certification purposes, but again dealers are encouraged to do so with an explanation as to the exemption. Postal sales are no longer permitted other than to those who are exempt for certification purposes (including registered firearms dealers). The recipient dealer should show the weapon coming into the register and going out.

"Remote" Sales

15.27 "Remote" sales are those sales made when a registered firearms dealer (RFD) sells a firearm or shotgun to a purchaser who is not present at the moment of sale and wants the newly acquired firearm or shotgun sent to another RFD for collection. First and foremost the RFD selling the firearm must see the purchaser's firearm or shotgun certificate before the sale is undertaken in accordance with section 3(2) of the Firearms Act 1968. Having checked the certificate, the RFD fills in the necessary details and returns it to the purchaser. Then, within 7 days, the RFD notifies the chief officer of police who issued the purchaser's certificate. The notification must include a description of the firearm/shotgun. Having paid the RFD who sold the gun, the purchaser nominates a second dealer in a location where he or she wishes to take possession of it. The RFD arranging the transfer should obtain a copy of the second dealer's certificate of registration The RFD who sold it will arrange for it to be forwarded accordingly and make the necessary entries in his Register recording the name of the new owner, their certificate number and the name of the dealer to whom it was sent for collection. On receipt, that dealer will contact the purchaser who will arrange to collect the gun in person. Before taking possession, the new owner must provide satisfactory proof of their identity and present the certificate which has been already completed with the details of the firearm. The purchaser must notify the transfer to his chief officer of police within 7 days and the RFD who handed the gun over will record the transfer in both the "In" and "Out" sections of his Register.

15.28 The RFD network can also assist in the delivery of the firearm where a certificate holder wishes to sell to another certificate holder. The procedure is similar but in the first instance the onus is on the seller to see and check the purchaser's certificate, fill in the necessary details before returning it and to notify his chief officer of police within 7 days of the sale. Having received payment, the seller takes the gun to an RFD who has agreed to arrange the transfer to a second dealer nominated by the purchaser to act on their behalf in effecting a face-to face transfer. The entry in the register only needs to reflect the temporary holding of the firearm: "FOR TRANSFER: destination Mr ..xxx.. and forwarded to RFD xxx for collection". The RFD arranging the transfer should obtain a copy of the second dealer's certificate of registration. On receipt of the firearm/shotgun, that dealer will contact the purchaser who will arrange to collect the gun in person, producing his completed certificate and proof of identity as above. The purchaser must notify the transfer to his chief officer of police within 7 days. The second dealer will record the transfer in both the "In" and "Out" sections of his Register. In these circumstances neither RFD is involved in filling in the certificate or notifying the police.

Servants

15.29 Section 8 of the 1968 Act mentions servants but there is no definition contained within the firearms legislation as to what constitutes "a servant". The term has been interpreted differently by the courts in connection with a number of different pieces of legislation.

15.30 In view of this, the common dictionary meaning of a 'servant' of "a person employed to work for another" should be used. In using this definition, it is accepted that in some instances a "servant" will not receive actual "payment" for their employment.

15.31 When transporting firearms and ammunition the servant should at all times carry a copy of their letter of authority together with a copy of the dealer's certificate of registration. The notice does not of itself have legal status, and whether a person is acting as a dealer's servant at the material time is a matter of fact and degree.

15.32 Where a servant is under the age of 18, the provisions of section 22 of the Firearms Act 1968 on acquisition and possession of firearms by minors will apply.

Section 5 authorities

15.33 This authority allows dealers to possess, purchase or acquire, manufacture, sell or transfer prohibited weapons and prohibited ammunition as defined by section 5 of the 1968 Act.

15.34 The authority is issued subject to any condition the Secretary of State or the Scottish Ministers may think fit for the purpose of securing that the prohibited weapons or ammunition will not endanger the public safety or the peace. The authority shall be in writing with any conditions specified on it. This will include the numbers and types of prohibited weapons and ammunition so authorised and all other conditions and relevant matters. Where such an authority has been granted, the chief officer of police cannot refuse registration on the grounds of danger to the public safety or to the peace.

15.35 Those persons granted such authority will fall into three main groups:

a) Those who possess, purchase, acquire, manufacture, sell or transfer – this group will be the subject of inspection and verification as registered firearms dealers. Frequency and levels of inspections should be set to the same levels as set out in the Statutory Guidance for Chief Officers of Police and should include all categories of prohibited weapons and ammunition authorised; or

b) Those who only possess – this group will possess in connection with other activities, that is ammunition evaluation, armoured vehicle manufacture, ballistic tests, etc; or

c) Those who only transport – this group is only responsible for the movement between authorised person and firms, and does not require any other certification. The movement and transport of prohibited weapons and ammunition by those persons/ companies authorised by the Secretary of State is subject to the conditions of that authority. The Home Office holds a current list of those so authorised and this can be provided upon request.

15.36 In relation to some sales and transfers this may require checks and information from outside this country and the assistance of other government departments may be required, for example the import or export of items. Close liaison with the FXOs of the Border Policing Command of the NCA should be fostered and maintained. Where there are specific grounds for suspicion, the FXO will, on request, supply details of the consignors, and the quantity and type of firearms previously imported. Additionally, where the general credibility of entries in the Firearms Register are being tested, the FXO will, on request, provide details of a selection of future importations.

15.37 In checking registers/holdings, care should be taken in respect of those firearms which are subject to different controls depending on the circumstances in which they are held. Small firearms, for example, when held by a dealer are subject to section 5(1)(aba), but when they are possessed by a person holding a suitably conditioned firearm certificate become amenable to section 1 control. Great care and validation must be exercised in these cases. The information and matters in relation to sales and movement of prohibited items needs to be kept confidential given the potential of the items. The results of all visits and inspections will allow for a considered response to the Home Office or the Scottish Government authority is to be renewed or amended by the Secretary of State, or the Scottish Ministers.

Section 5 carriers

15.38 Whilst a section 5 authority for a dealer will normally allow that dealer to transfer the firearms they are permitted to trade in, should that dealer want to trade in the transfer of firearms, they will need to apply to the Home Office for their authority to be varied accordingly.

Stolen weapons/certificates

15.39 In cases of lost or stolen firearms, forces should circulate details to all other forces for them to inform their own dealers. Firearms licensing departments should ensure that police officers are aware of and compliant with the stolen weapons/certificates facility on the PNC and NFLMS.

Chapter 16: Museum Firearms Licenses

16.1 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

16.2 Section 19 of, and the Schedule to, the Firearms (Amendment) Act 1988 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

16.3 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. The Royal Armouries are part of the Museums Weapons Group and represent the interests of publicly-funded UK museums with collections of weapons.

16.4 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.

16.5 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.

16.6 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
Arts Council England

The Arts Council of Wales
Arts Council of Wales
Creative Scotland

e-mail: enquiries@creativescotland.com

Applications for a museum licence

16.7 In England and Wales, the Secretary of State is the issuing authority for museum licences. An application by a museum must be made via the online application system.

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

Firearms Team
Safer Communities Division
St Andrew's House
Edinburgh
EH1 3DG

e-mail: firearms.enquiries@gov.scot

16.8 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.

16.9 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 include a review of an appropriate museum collections management system, they 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 the Firearm Security Handbook .

Conditions that may be added to museum licences

16.10 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 paragraph 16.9 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.

16.11 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

16.12 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. Museums in England and Wales will then be required to pay the specified fee payable for the grant of the licence using the details given in a direct request from the online application system. Museums in Scotland will be contacted by the Scottish Government about payment of the appropriate fee. The applicable fees for museum licence applications are set out within Chapter 19. Payments for Scottish museums should be sent to:

Firearms Unit
Safer Communities Division
Scottish Government
Regent Road
EH1 3DG.
Alternatively, please email firearms.enquiries@gov.scot.

By debit card via Internet:
You may pay via our bill payment website: www.gov.scot/payments using your Debtor ID and invoice number on the back of your invoice. Any enquiries can be emailed to online-payments@gov.scot or by telephone: 0131 244 7325.
The licence will be issued to the museum and copied to the chief officer of police.

16.13 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

16.14 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.

16.15 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.

16.16 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 3A of the Schedule to the 1988 Act.

Revocation of museum licences

16.17 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.

16.18 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.

16.19 A conviction need not of itself lead to revocation under paragraph 16.17(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.

16.20 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

16.21 It is an offence under paragraph 4 of the Schedule to the 1988 Act:

a) for a person to knowingly or recklessly make a statement false in any material particular 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.

16.22 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.

Chapter 17: Rifle and muzzle-loading pistol clubs, schools and cadet corps

17.1. This chapter details:

i. procedures for club approval;

ii. issues such as the use of ranges, security of firearms and good practice in club administration;

iii. information about the renewal of certificates, club inspections;

iv. the requirement of the police to maintain a register of clubs within their force area; and

v. how the Firearms Acts relate to cadet corps and school target shooting clubs.

Introduction

17.2 Applications for club approval are determined by the Secretary of State in England and Wales and by Scottish Ministers in Scotland.

17.3 Members of a rifle club, miniature rifle club or muzzle-loading pistol club approved by the Secretary of State or the Scottish Ministers may, without holding firearm certificates, have in their possession firearms and ammunition when engaged as members of the club in, or in connection with, target shooting (section 15(1) of the Firearms (Amendment) Act 1988 as amended by section 45 of the 1997 Act). It should be noted that section 15(1) does not stipulate that the firearms must be club firearms. A member of an approved club may temporarily possess a firearm solely in connection with target shooting on the club's range, or other ranges which it may use. However, a person cannot possess a firearm under this exemption if it is a class of firearm for which the club is not approved. It should also be noted that section 15(1) of the 1988 Act, as amended, does not apply to the use of long barrelled pistols or section 1 shotguns used for target shooting, as it only allows possession of rifles or muzzle-loading pistols by members of suitably approved clubs. Accordingly, club approval cannot be extended to cover the use of these firearms (see also paragraph 17.12).

17.4 Members may not purchase or acquire firearms or ammunition unless they have been granted firearm certificates and the exemption does not cover the use of firearms for purposes other than target shooting. The case of *R v Wilson* (1989) held that possession of firearms and ammunition must only be in connection with the club's activities, and does not give members a wider authority.

17.5 Whether approved or not, miniature rifle clubs are exempt by virtue of section 11(4) of the 1968 Act (see Chapter 6 for guidance on miniature rifle ranges, including changes brought into effect on 1 May 2025 by the Firearms Act 2023). Persons using the range are exempt from holding a firearm certificate only whilst using such miniature rifles and ammunition at such a range or gallery. Home Office approval can only be granted to a miniature rifle club if it can adhere to the

Home Office's club criteria.

Administration of clubs

17.6 The Secretary of State and the Scottish Ministers attach great importance to the responsible administration of approved clubs and will wish to ensure that the criteria are complied with. Further information about the criteria for shooting club approval is available from the gov.uk website.

Procedure for shooting club approval

17.7 All applications for the approval or the renewal of the approval of the Secretary of State for shooting clubs in England and Wales must be made online, under shooting club applications.

Clubs in Scotland should apply to the:

Firearms Team
Safer Communities Division
St Andrew's House
Edinburg
EH1 3DG

e-mail: firearms.enquiries@gov.scot

17.8 Renewal applications should be submitted to the Home Office using the online application portal at least three months before the previous approval expires. All applications must be completed by an official of the club; this will usually be the club secretary. Applications will be passed to the firearms licensing department of the police force for the area in which the club secretary or principal officer resides.

17.9 The chief officer will arrange for a visit to take place whereby checks will be made to ensure firearm security is satisfactory. If the chief officer of police is satisfied that the club meets the criteria for approval the police will send a report to the Home Office. In cases in which enquiries indicate that there is no prospect of the club being able to meet the criteria for approval the police will also inform the Home Office with the reasons why they cannot recommend the grant of approval.

17.10 Should a club not be immediately in a position to meet the criteria, but it appears that given time it will be, the club secretary or responsible officer should be advised of the shortcomings. The submission of the application should then be deferred until such time as the club has been able to remedy the deficiencies (to a maximum of six months from the date of the original application). Once the club's arrangements meet the criteria, the club should apply online to the Home Office or in writing to the Scottish Government. Should the club not be in a position to meet the criteria at the end of the six months period, the chief officer will inform the Home Office or the Scottish Government why approval has not been recommended.

17.11 In considering whether or not to grant an application for approval, the Secretary of State or the Scottish Ministers must satisfy themselves that, amongst other considerations:

i. the club has regular use of ranges with financial arrangements in place to cover the losses to third parties and which are safe for the class of firearms for which approval is requested;

ii. the security arrangements for the storage of club firearms and ammunition, where held, are satisfactory;

iii. the application is being made by or on behalf of a bona fide club which is able to meet the criteria (see paragraph 17.6); and

iv. there are no other considerations which would make the club unsuitable for approval.

17.12 Club approval by the Secretary of State or the Scottish Ministers will only cover target shooting with the categories of firearm listed below:

a) Full-bore rifles, including pistol calibre “gallery rifles” (not designed or adapted to fire ammunition capable of discharging projectiles at muzzle energies greater than 10,000 foot-pounds)
b) Small-bore rifles; and
c) Muzzle-loading pistols

17.13 The decision about which categories will be included in the approval letter will be dependent upon whether suitable ranges are available to the club.

Variation applications

17.14 Applications for the change of club secretary, change of address or category of firearm for clubs situated in England and Wales must be submitted online, under shooting club applications.

Applications for such variations for clubs based in Scotland should be made in writing to the:

Firearms Team
Safer Communities Division
St Andrew’s House
Edinburg
EH1 3DG

e-mail: firearms.enquiries@gov.scot

Ranges

17.15 The ranges which a club cites when applying for approval should be available for the club to use on a regular basis. As a guide, this would be a minimum of six occasions a year, although in some circumstances a lower frequency of use might be justified. It should be noted that civilian club bookings on military ranges may be cancelled, often at short notice, due to operational requirements and a growing Territorial force, so allowance should be made for changes beyond the club’s control. Readily available access to a suitable range in another part of the country might be sufficient to qualify for approval purposes depending on the circumstances.

17.16 The responsibility rests firmly with range owners/operators to ensure that their range is constructed and maintained safely. Failure to do so will leave them liable under a range of legislation, such as the Occupiers' Liability Act 1957, the Occupiers' Liability (Scotland) Act 1960 and the Health & Safety at Work etc Act 1974.

17.17 The club criteria (see paragraph 17.6) and certificate conditions include a requirement for owners/operators of ranges to have in place adequate financial arrangements to meet any injury or damage claims. In most cases this will be insurance cover. However, other arrangements are acceptable so long as they provide adequate cover. For example, some local authority ranges deposit a bond to cover their risk. Military ranges, which are regularly inspected, will normally cover their own risk.

17.18 The level of cover will vary according to the nature of the range and the type of firearms used on it. As a guide, cover should normally be around £5 million for any one incident.

17.19 The National Small-bore Rifle Association (NSRA) and the National Rifle Association (NRA) have established their own inspection and approval scheme for the ranges run by their affiliated member clubs.

17.20 The NSRA and NRA have guidance available for their members on the safe construction of ranges. That guidance will be used by the organisations as the basis for their inspections and the issue of approvals. The NSRA and NRA have indicated that they are willing to make their inspection and approval service available to ranges not affiliated to either organisation. It is anticipated that most ranges will use the NSRA and NRA scheme. However, it is for each range owner/operator to decide what steps to take to ensure their range is safe.

17.21 Police forces will need to satisfy themselves that ranges used by a club are safe and have adequate insurance or other financial cover. In many cases clubs will have an old-style military safety certificate or a NSRA/NRA approval letter, and/or an insurance certificate. However, responsibility for safety on the range lies with the owner/operator. The MOD remains responsible for the safety of the range construction for ranges under its control. It is not intended that police forces should become experts in range construction or to have to inspect ranges. However, the NSRA/NRA guidance will be available to police forces to refer to where the need arises.

17.22 If a rifle or muzzle-loading pistol club seeking approval proposes to use a range situated on licensed premises, it is essential in view of the provisions of section 82 of the Licensing Act 2003 and the Licensing (Scotland) Act 2005, that the matter be considered by the licensing authority. The Secretary of State or the Scottish Ministers will withhold approval until they are informed by the chief officer of police concerned that the licensing authority has no objections to the situation and to the use of the range in general.

Security of club firearms

17.23 The club's co-operation should be sought to ensure that the firearms and ammunition owned by the club are stored securely. The signatory of the club certificate (usually the club secretary) is ultimately responsible for the safekeeping of club firearms and ammunition, but they need not necessarily be present each

time these are issued to or used by club members. It is also acceptable for members other than the firearm certificate holder, if the activity is clearly in connection with target shooting, to transport firearms to another club or authorised range for a competition or to a dealer for repair. It is advisable when transporting firearms as a member of a club to have some form of written authorisation from a club official (see also Chapter 21).

Criteria for schools

17.24 The approval criteria for school target shooting clubs differ significantly from the criteria found via the link in paragraph 17.6, and are as follows:

i. target shooting with full or small-bore rifles should be an authorised school activity;

ii. all aspects of shooting at the school must be under the control of one experienced person who is nominated by and responsible to the Head Teacher. This person must have personal experience of shooting with the firearms used by the club and at least one year's experience of exercising control for the age group of pupils concerned;

iii. the school must have regular use of ranges which are suitable for the categories of firearm to be used;

iv. the security arrangements for storing the school firearms and ammunition must be satisfactory;

v. all shooting activities, including the handling of firearms and ammunition, must be supervised at all times either by the responsible adult at the school, or by at least one other equally experienced person nominated by the Head Teacher, or by someone who is a coach with a qualification recognised by the NRA or NSRA;

vi. shooting is normally available only to pupils and staff of the school, visiting teams from schools which have also been approved by the Secretary of State or the Scottish Ministers under section 15 of the Firearms (Amendment) Act 1988, full members of rifle clubs approved under that section, members of Cadet Corps or individuals who hold a personal firearm certificate and shoot in accordance with the terms of that certificate;

vii. the school does not allow shooting by guests on more than twelve days each year. On such occasions, only parents, guardians and other relatives of pupils of the school or other adults known to the person responsible for shooting, may handle firearms and ammunition. Guest members must be under constant one-to-one supervision when handling firearms and ammunition either by the responsible adult at the school, or another equally experienced person nominated by the Head Teacher, or someone who is a coach, or Range Conducting Officer with a qualification recognised by the NRA or NSRA. The Head Teacher or the responsible adult at the school must tell the local police about guest days at least 48 hours in advance;

viii. the Head Teacher must appoint a person to act as liaison officer with the police and the chief officer of police must have confidence that this person

can provide the police with such information as they require to ensure that shooting is conducted properly and gives no cause for concern;

ix. the school will maintain a register of the attendance of all members together with details for each session of the firearms which they used and the competitions, if any, in which they took part;

x. the school will inform the police of any holder of a firearm certificate who has ceased to be a member of the club;

xi. the school will inform the police if any member who holds a firearm certificate has not attended a meeting for a year; and

xii. there is nothing else that would make the school unsuitable for approval.

Disclosure of information

17.25 Under the terms of their approval, clubs are obliged to notify the police of any applications for membership, giving the applicant's name and address and the outcome of any application. The police should acknowledge receipt of such notifications. The notes on the criteria for Home Office or Scottish Government approved club status indicate that clubs should make their own arrangements for assessing whether members or prospective members are of good character and that chief officer of police should not be asked to disclose whether or not someone has a criminal record. Nevertheless, notification will enable the police to take prompt action where the applicant is found to be a prohibited person or is considered not to be a suitable person to be issued with a firearm certificate.

17.26 The police are unable to disclose the personal details of a member, or prospective member, to a shooting club unless the information is needed to prevent (or detect) a crime, or to enable the apprehension or prosecution of an offender. If, for example, an applicant is a prohibited person, an offence could have taken place and the club's full co-operation would be required to provide evidence for any prosecution under section 21 of the 1968 Act. If it is necessary to disclose the prohibition in order to investigate the matter it would be lawful to do so. If an individual is judged to be unsuitable for other reasons, the club liaison officer should be formally so notified in a timely manner. If a club is not advised of unsuitability, it is unlikely to refuse or terminate membership until after an incident has occurred. The club liaison officer or other club official may then inform the applicant that the police consider him to be unsuitable as a firearm certificate holder, and may refuse the application. In doing so the applicant should be given the contact details of the police firearms licensing department to enable them to make representations.

17.27 The police must notify a club if a member's firearm certificate is revoked or refused. In addition, clubs should be told in general terms of the reason for the revocation or refusal in order that they can make an informed decision whether to allow the member to continue shooting as a member of the club.

Grant of approval

17.28 If an application for the Secretary of State or the Scottish Ministers' approval is granted, a letter of approval will be sent to the applicant (club secretary). A copy of the approval will also be sent to the chief officer of police. A decision to withhold approval will be notified in the same way.

Fees for shooting club approvals

17.29 Part 3 of The Firearms (Fees) Regulations 2019 (SI 2019/1169) sets out the fees payable to the Home Office or Scottish Government before an approval under section 15 of the Firearms (Amendment) Act 1988 is granted, varied or renewed. The fees are replicated in Chapter 19.

17.30 The fees cannot be charged on a "pro rata" basis for authorisations of shorter duration. Refunds are not available after an approval has been granted.

17.31 The Home Office or the Scottish Government will determine the category an application falls under, in accordance with the legislation, and will process the application accordingly, charging the relevant fee.

17.32 Fees for all club approvals are invoiced when a decision has been made on an application but before the letter of approval is issued. Invoices are sent via email to the invoicing contact on the application form.

17.33 Fees for shooting clubs in England and Wales should be paid to the Home Office by one of the following methods:

- Bankers Automated Clearing Service (BACS).
- Clearing House Automated Payment System (CHAPS).
- Credit or debit card.
- GOVPay – make a card payment Online: To make an online payment by credit/debit card, Apple pay or Google pay: https://www.gov.uk/payments/home-office/pay-home-office.

17.34 Please ensure when making a payment that your invoice number is included in the reference section of your bank transfer. Please send any remittance advice to:

Shared Service Connected Limited
HO Box 5003
Newport
NP20 9BB

17.35 For Scotland, invoices will be sent by post to the contact on the application. Fees can be paid to the Scottish Government by one of the following methods:

- Bankers Automated Clearing Service (BACS)
- Clearing House Automated Payment System (CHAPS)
- Debit card
- Cheque

Visit www.gov.scot/payments.

17.36 Please send any remittance advice to:

Firearms Unit
Safer Communities Division
Scottish Government
Regent Road
EH1 3DG.
Alternatively, please email firearms.enquiries@gov.scot.

By debit card via Internet:

You may pay via our bill payment website: www.gov.scot/payments using your Debtor ID and invoice number on the back of your invoice. Any enquiries can be emailed to online-payments@gov.scot or by telephone: 0131 244 7325.

Free firearm certificates for approved clubs

17.37 Although a fee is payable, as set out above, for the grant, renewal or variation of the Secretary of State or Scottish Ministers' approval under section 15 of the Firearms (Amendment) Act 1988, no fee is payable for a firearm certificate granted to the responsible officer of any club approved by the Secretary of State or the Scottish Ministers relating to firearms and ammunition to be used solely for target shooting by members of the club (section 32(2) of the 1968 Act). Similarly, no fee is payable for the variation or renewal of such a certificate. The exemption does not extend to certificates given for firearms not mentioned in a club's approval. Responsible officers of approved clubs who are granted firearm certificates should be reminded of the necessity for strict compliance with the law confining the exemption allowed to members.

17.38 The notes to the Secretary of State and the Scottish Ministers' letter of approval state that the chief officer of police must be informed if the club wishes to use an alternative or additional range regularly (this does not apply to regular competitions between approved clubs). Changes of club secretary or club title or premises must also be notified.

17.39 There is no need for the Secretary of State or the Scottish Ministers to be kept informed of the ranges being used by an approved club. It is sufficient for the chief officer to inform the Home Office or the Scottish Government when a club loses the use of a suitable range and consideration might have to be given to the withdrawal or variation of the Secretary of State or the Scottish Ministers' authority.

17.40 Letters of approval are issued in the name of the club and state the club secretary's and another designated responsible officer's name and address. Where a change of club secretary or other designated responsible officer has occurred, details of the new secretary or responsible officer, giving their full name and address, should be notified to the Home Office and Scottish Government as soon as possible. Failure to do so within fourteen days of the change could lead to the club's approval by the Home Office or Scottish Government being withdrawn. If both the secretary and the other designated responsible officer are both unable to fulfil their role, members of the club can continue to shoot using only those firearms held on their personal firearm certificates. In such cases, any firearms owned and held on the club firearm certificate cannot be used until a new approval letter has been issued. The new approval letter should be issued as soon as possible, if possible with no gap in the change over dates, in order that competition deadlines can be met.

Subsequent checks on approved clubs

17.41 Rifle and muzzle-loading pistol clubs approved by the Secretary of State or the Scottish Government are required by section 15(7) of the Firearms (Amendment) Act 1988 to allow any constable or civilian officer duly authorised in writing to enter any premises occupied or used by the club and to inspect those premises and anything on them to ascertain whether the provisions of section 15 and any limitations or conditions in the approval are being complied with. The inspection should establish that the standard of the organisation and membership of the club remains satisfactory.

17.42 The club's attendance register should also be checked to confirm that all members with personal firearm certificates are regularly attending and that the club's return of members who have not shot with them for twelve months is accurate. The frequency of use of ranges will vary depending on the club's individual circumstances. These will include the proximity of the nearest suitable range and the ease with which bookings can be made. Target shooters may be expected to use their firearms regularly, at least three times a year or provide a good reason that this has not been the case. This is not the case for firearms held for other reasons such as collecting or deerstalking. Historic arms may be held for occasional use, in order to avoid excess wear on old artefacts.

17.43 Where problems arise with the running of a club, which are not resolved by local discussion, and which might result in the withdrawal of the club's approval, the facts should be reported without delay to the Home Office or the Scottish Government. In most circumstances, representations on the matters raised may be invited from the club secretary by the Home Office or the Scottish Government.

Extension of club approval

17.44 Applications for the approval of a club under section 15 of the Firearms (Amendment) Act 1988 to be extended to cover additional categories of firearm should be submitted on the online application system under the same procedure as set out in paragraph 17.7. A fee is payable for the extension of an approval.

Club renewals

17.45 Section 15(5) of the 1988 Act provides that an approval under that section shall, unless withdrawn, continue in force for six years from the date on which it was granted. The approval may be renewed for a further six years on application. Applications should be submitted on the online application system under the same procedure as set out in paragraph 17.7. A fee is payable for the renewal of an approval.

Police records

17.46 Chief officers of police should maintain an index of all clubs situated in their police force area approved under section 15(1) of the Firearms (Amendment) Act 1988. Details of the club's secretary and police liaison officer should be recorded and maintained. The index can be used as a reference point when dealing with applications for personal firearm certificates though this will not remove the need to

contact the secretary or other officer in all such cases.

Combined Cadet Force, Sea Cadet Corps, Army Cadet Force and Air Training Corps

17.47 Cadets are regarded as Crown Servants for the purposes of the Firearms Acts and are exempt from the requirement to possess a firearm certificate when shooting as a member of the corps. Furthermore, firearms may be acquired for the corps by a responsible officer duly authorised in writing by the unit's commanding officer without the need for a firearm certificate (section 54(2)(a) of the 1968 Act).

Retention of club members' records

17.48 Clubs should retain members' details/records for six years following cancellation of membership.

Chapter 18: Security of Firearms and Ammunition

18.1 This chapter provides information about the secure keeping of firearms and ammunition, referring to other sources of more detailed information where appropriate. It sets out the security issues for chief officers of police to consider when dealing with certificate applications, renewals or variations. Information about the storage of explosives and black powder is the responsibility of the Health and Safety Executive and advice may be obtained from police explosives liaison officers.

18.2 The Firearms Rules 1998 prescribe safe keeping conditions on firearm and shotgun certificates. They create two levels of security:

(a) Rule 3(4)(iv)(a) provides for the firearms and ammunition to which the certificate relates to be stored securely at all times except as provided in paragraph (b), so as to prevent, as far as is reasonably practicable, access by an unauthorised person; and

(b) Paragraph (b) lists the circumstances in which the security requirements of paragraph (a) do not apply:

i. when the firearms or ammunition are in use;

ii. when certificate holders have the firearm with them for cleaning, repairing or testing it or in connection with its use, transfer or sale; or

iii. for some other purpose connected with its use, transfer or sale; or

iv. the firearm or ammunition is in transit in connection with any of these purposes.

18.3 Under the circumstances in paragraph (b) the certificate holder must take reasonable precautions for the safe custody of the firearms or ammunition. Further detail is set out below in Appendix 6 of this guidance and in the Firearms Security Handbook, produced jointly in 2020 by the Firearms and Explosives Working Group, the National Police Chiefs Council in England and Wales and Police Scotland, and the British Shooting Sports Council.

18.4 A similar safekeeping condition appears on a shotgun certificate. The only difference is that the condition does not extend to shotgun cartridges, although it is advisable to store them safely.

Secure Storage

18.5 The Firearms Security Handbook referred to above provides advice on security measures appropriate to different types of firearms and ammunition in different circumstances. While the requirements to keep firearms securely are statutory, there are no statutory provisions on how this duty should be discharged.

The Firearms Rules

18.6 The Rules do not prescribe the form of safekeeping or security. As with most aspects of crime prevention, the police must look at the individual circumstances of each case and at the overall security arrangements that will be in place. The level of security should be proportionate to the risk and each case must be judged on its merits. A firearm is like any other property which needs protecting from the burglar/housebreaker or thief. Advice should be balanced and reasonable as well as comprehensive.

18.7 Section 24ZA of the 1968 Act, as inserted by section 46 of the Crime and Security Act 2010, makes it an offence for a person in possession of an air weapon to fail to take “reasonable precautions” to prevent someone under the age of eighteen from gaining unauthorised access to it. This does not require the holder to use gun cabinets, but they must take reasonable steps to prevent those under the age of eighteen from having unsupervised access to their air weapons. Those aged fourteen to seventeen may use air weapons unsupervised on private premises where they have permission (see Chapter 7).

Factors for consideration

18.8 These include the following:

a) A risk assessment based on the levels of property crime in the area. These may be subject to sudden temporary changes and it is helpful to look at the longer-term trends of property crime in an area, which are the more important factors;

b) The remoteness or otherwise of the premises, and the potential response to calls for assistance, either by police or neighbours;

c) The manner in which the property is overlooked and/or illuminated. These levels of natural surveillance afford the property a degree of protection;

d) The amount of time during which the property is occupied or left unoccupied;

e) The location of storage points within the property and, where appropriate, the distribution of firearms within each secure point;

f) The attractiveness of the type of firearms to criminals. For example, modern multi-shot handguns may be more attractive to criminals than most other types of gun;

g) The number of firearms held; and

h) Whether it is generally known that firearms are stored on the premises.

The certification procedure

18.9 Security questions will be a key consideration when applications are made for the grant of a firearm or shotgun certificate. At such times the applicant will be seeking advice about the best security arrangements and this will provide a valuable opportunity to provide advice in the light of the circumstances prevailing at the time. If there is any doubt about the adequacy of security the chief officer of police may take this into account before issuing a certificate.

18.10 Renewals or variations of firearm certificates, or the renewal of a shotgun certificate, provide further opportunities to assess security and safety. In practice there is unlikely to be a need for significant change if the recommendations were accepted and implemented, and there has been no subsequent change in circumstances.

Unannounced Home Visits

18.11 Where it is judged necessary, based on specific intelligence in light of a particular threat, or risk of harm, the police should undertake an unannounced home visit to check the security of a certificate holder's firearms and shotguns. It is not expected that the police will undertake an unannounced home visit at an unsocial hour unless there is a justified and specific requirement to do so on the grounds of crime prevention or public safety concerns and the police judge that this action is both justified and proportionate.

18.12 Paragraph 22.3 of this guidance sets out the power of entry, subject to warrant, available to the police. While this is an important power, it should not be necessary to use in all cases where inspections/home visits are required as such enquiries or inspections may be carried out with the certificate holder's consent. It is expected that responsible certificate holders will co-operate with reasonable requests to inspect security arrangements or other aspects of suitability, and failure to do so may be taken into account when police consider suitability to possess the firearms. To mitigate any misunderstanding on the part of the certificate holder the police must provide a clear and reasoned explanation to the certificate holder at the time of the visit.

Applying this guide

18.13 This guide should be applied with full regard to the individual circumstances and the type and location of the premises subject to recommendations. This summary relates to the situations relative to firearm or shotgun certificate holders.

18.14 No security suggestion must be made in respect of a window or other opening which has been provided as an emergency escape that will in any way prevent the immediate and unobstructed use of that escape route.

18.15 If there is reason to believe that there is a conflict between the need for firearms security and the safety of persons in that building, then advice must be sought.

18.16 Some situations and locations are such that these general principles cannot or do not provide the security commensurate with the risk. Every case must be judged on its individual merits.

18.17 The term “unauthorised access” has been held to include the constructive possession that can occur where persons other than the certificate holder have access to the keys for security devices, as well as access gained by criminal entry to the premises etc. Thus any keys to any security device should be kept secure, with access limited to authorised persons. This is especially important if there are children present in the premises. Knowledge by an unauthorised person of the location of the keys or to the combination to the locks may lead to a breach of the statutory security condition. In the case of R v Chelmsford Crown Court, Ex parte Farrer (2000) it was agreed that deliberately providing information of the whereabouts of the keys was an offence. It was “reasonably practicable” for Mr Farrer not to tell his mother where the keys were kept in this case.

18.18 The Court of Appeal case of Ex Parte Farrer (2000) confirmed the proposition that, if other people who are not authorised to possess the firearm/shotgun have access to it, the firearm/shotgun will not have been stored securely to prevent access by unauthorised persons. The Court of Appeal found that the term “practicable” in the Firearms Rules means “feasible in practice” not socially convenient or “reasonable”. The court found that it was feasible for Mr Farrer to have prevented his mother having access, and that he was in breach of the conditions of the certificate because he gave his mother access to the key. What is required is for the certificate holder to keep the whereabouts of the key or security combination unknown to anyone but themselves.

18.19 With regard to shared security, such as a firearm and a shotgun certificate holder sharing a cabinet, separate security provisions to prevent unauthorised access to firearms once within the cabinet or primary security measure should be made. Devices such as lockable high tensile steel cable are suitable for this purpose.

18.20 Under most circumstances, it is preferable that firearms should be secured within the occupied part of the structure. Separate, detached buildings, or those attached but having only external access, including outhouses and garages, should not be used unless the levels of security meet the standards set out in the Firearms Security Handbook. If used, these should also be protected by an intruder alarm linked to the household to BS EN 50131.

18.21 If the certificate holder’s dwelling is a mobile home or static caravan, a different set of security concepts should be adopted. Details can be found in the Firearms Security Handbook. These are primarily concerned with the anchorage of the structure. That structure’s capability to store items securely may require that an extra layer of security is needed to “target harden” the unit. It is unlikely that a gun room can be satisfactorily constructed within such a dwelling or unit of this type.

18.22 As with any other valuable articles, the security of firearms should be considered in layers:

(i) Perimeter - the protection of the surroundings etc which are necessary for particular situations or risks. Exterior lighting, approaches overlooked etc;

(ii) Shell - the protection of the surrounding structure (the building or part of a building) which contains the immediate or core layer for the firearms;

(iii) Interior - which secures the firearms directly.

18.23 In most circumstances, the shell and interior layers are likely to be all that need to be addressed. However, conditions which affect either the ability of the outer structure to provide a defensive level commensurate with the particular risks, or any constraints upon the occupier, (for example crime level, property style or type of construction, constraints in tenanted property etc.) may require adjustments to either layer.

18.24 If the occupant can show that the house has been designed and built to the requirements of BS8220 (the "Secured by Design" model, introduced in 1996) or has doors and windows to BS PAS 24 (2016) or the most up to date PAS standard, then those parts of the dwelling can be taken to have satisfactory security. The Secured by Design New Homes Guide is a source of reference. Other test standards for door and window sets exist such as LPS 1175 and STS 201.

The broad levels of security

18.25 It may be helpful to think of security in terms of broad "levels" to be applied according to the circumstances of each case. These are not intended to be prescriptive, but rather to provide guidance on what might be considered proportionate in each case. Level 1 (below) would be considered the normal standard of security applicable to the majority of cases.

Level 1

18.26 A gun cabinet, or (where only one rifle or shotgun is held and a low level of risk is involved) a gun clamp or similar device fixed to the building is normally considered to be reasonable security. This should be located to frustrate or obstruct points of attack and identification by casual visitors to the premises. Other considerations might be:

- Final exit doors of good construction, ideally PAS24 and secured with locks to the appropriate British Standard.

- Suitable locks/securing devices on ground floor windows and French/patio windows.

18.27 As an additional level of security, ammunition and easily removable component parts – such as rifle bolts etc. – should be stored separately from the firearms they fit, if it is safe and reasonable to do so and they may not been confused between firearms. This could be either by use of a detached storage container fitted elsewhere in the dwelling, or one built into or onto the firearms cabinet.

18.28 There is a need to consider other alternatives for unusual firearms such as punt guns, cannon etc. In these cases, such items may be secured in buildings other than the dwelling. Suitable securing points may be required where the situation or construction of such buildings make it necessary. Where possible any removable part that would render the gun inoperative should be stored separately.

18.29 When only one rifle or shotgun is held and a lower level of risk is involved, gun clamps or similar devices or arrangements may be adequate. Other considerations in that dwelling might be:

a) Final exit doors of good construction secured with good quality locks and/or other types of deadlocking facilities;

b) Suitable locks/securing devices on ground floor windows and French/patio windows.

18.30 In more modern houses, the above requirements will be met in properties with PVCu doors or specialist doors with a multi-locking system which is secured by a deadlock. These requirements will also be met in properties with PVCu or specialist windows by a similar style of system secured by a keyed lock, either handle or independently mounted.

18.31 When providing advice to fit locks to PVCu doors and/or windows it must be stressed that the manufacturer/supplier should be consulted about which locks would be appropriate, as the fitting of non specified locks may cause damage to the article and invalidate the product warranty.

Level 2

18.32 Where the individual circumstances are such that additional security might be required due to factors such as repeat victimisation, a high crime location, building regularly unoccupied, substantial number of firearms on the premises, in addition to the provision of a suitable cabinet, gun room or safe, the following may be considered:

a) The final exit door locks should be to BS3621 or equivalent and any French doors/ patio windows should have an integral locking system or be provided with supplementary locks to frustrate forcible opening, together with anti-lift blocks if applicable. These requirements will usually be met in properties with UPVC doors or specialist doors with a multi-locking system secured by deadlock.

b) Windows on the ground floor and those accessible from flat roofs etc should be fitted with an appropriate type and number of locks which are self-latching or key operated. These should have casement-to-frame locking along the opening edge;

c) An audible intruder alarm to the appropriate standard protecting either the whole the premises or those parts of the premises where guns are stored.

18.33 The Secured by Design New Homes guide provides guidance on Home Security for new and refurbished properties and is considered to be the Police Preferred specification for home builders.

18.34 In the case of outbuildings or garages where the main building is not alarmed, consideration should be given for a stand-alone monitored alarm.

18.35 For these purposes, a “substantial” number of firearms should be considered with regard to the type of firearms, their potential danger if misused and their likely attractiveness to criminals – for example, forces may wish to exclude muzzle-loading shotguns and muzzle-loading rifles given they rarely feature in criminal use. At the lower end the number might vary between 6 and 10, depending on the type of firearm concerned, whilst anything over 10 would rarely be lower than level 2. It must be stressed, however, that it is not enough to base an assessment on the number of firearms alone - all factors mentioned above should be taken into account. Sound moderators, spare barrels, spare cylinders and component parts should not be considered as part of this total.

18.36 A different form of security which equates to that above (such as providing a reinforced gun room or other area), may also be suitable. Advice should be sought from Firearms Licencing.

Level 3

18.37 If the risk is assessed as being greater than the previous level (for example by virtue of a higher crime rate, certain high profile certificate holders, a larger number of firearms held or any other factors which substantially increase the risk of burglary), then the following should be considered as well as the previous level of security:

a) Dividing the risk, for example by the provision of separate cabinets, perhaps in different locations within the premises, to reduce the number of firearms per enclosure;

b) Additional target hardening of the storage (cabinet with individual gun locks, or extending to a gun room);

c) Protected by an intruder alarm to BS4737 3.30:2015 or equivalent and ideally monitored by a NSI monitoring centre with an appropriate response.

18.38 For these purposes, a “larger” number of firearms may be taken as meaning more than twelve guns (again being cognisant as to whether to include the likes of muzzle-loading firearms). As with level 2, it is not sufficient to base an assessment on the number of firearms alone; all other factors mentioned above are equally important, and regard must also be had to the type of firearms, their potential danger if misused and their likely attractiveness to criminals. Again, sound moderators, spare barrels, spare cylinders and component parts should not be considered as part of the total.

18.39 As a result of changes to Rule 3 of the Firearms Rules 1998 which came into effect on 27 July 2023, any certificate granted or renewed after that date in respect of a high muzzle energy rifle must have a condition requiring it to be stored in accordance with at least one of the ‘Level 3’ security measures identified in the Firearms Security Handbook 2020, published by the Home Office and updated on 20 January 2021, or equivalent measures. ‘High muzzle energy rifles’ are rifles from which a shot, bullet or other missile, with kinetic energy of more than 13,600 joules at the muzzle of the weapon, can be discharged.

Ammunition

18.40 Ammunition for section 1 firearms must be kept secure. As a matter of best practice, it should be stored in its own individual secure storage – eg, an integral, lockable compartment within a gun cabinet. Although secure storage of shotgun cartridges is not a requirement of the Firearms Acts, it is sensible to recommend that they should be locked away for both security and safety, especially where there are children in the house.

18.41 Although ammunition is not a serious fire hazard, it is advisable that ammunition containers are not in an area exposed to a risk of fire, nor should they be in the area of an escape route where there is a fire risk. If there is any doubt on the safety or method of intended storage, the Explosives Liaison Officer may be consulted. This is also recommended in the case where a private certificate holder intends to keep reloading articles such as gunpowder, primers or large quantities of cartridges etc.

Section 5 firearms and other articles requiring section 5 authority

18.42 Where any section 5 firearm is held in a dwelling, the provisions of Level 3 security should be applied. The alarm system should include personal attack facilities for the safety of the occupants to BS EN 50131 and protected by an intruder alarm to BS4737 3.30:2015 or equivalent and ideally monitored by a NSI monitoring centre with an appropriate response.

Safe-keeping of keys

18.43 Only authorised persons should have access to any of the keys for any cabinet etc containing firearms and section 1 ammunition. Care needs to be taken in selecting locations for the storage of keys, particularly any spare sets, to avoid them being discovered and improperly used. Consideration could be given to using a key cabinet or secure storage (safe) to store keys and spare keys. In all cases primary and spare should be stored separately.

Siting and fixing of devices

18.44 Any firearm security cabinet etc. should be sited out of view both inside and outside the building. Securing to suitable building walls within built-in furnishings, that is wardrobes, cupboards, or lockers can prove effective. Rooms such as lofts and cellars that are unlikely to be visited by casual visitors are options. However, when recommending such places, it is important to consider whether the environment is suitable. Extremes in temperature, dampness or condensation may cause damage to valuable firearms. Particularly damp conditions may also cause corrosion of the fixings or the cabinet material, thus reducing its security.

18.45 In addition, the ease and convenience of access to such places is important. If this is difficult there may be a tendency for the certificate holder to delay putting their firearms away upon return to the dwelling. Police research has shown that a number of losses have involved owners not immediately securing their weapons and suffering their subsequent theft.

18.46 In advising on the location of any security cabinet, it is worth noting that most steel gun cabinets have a high weight-to-footprint ratio. The average floor loading for a suspended floor on timber joists is 56lbs per square foot. A 9-gun cabinet with a 24" x 12" (608 x 304 mm) footprint can be in the order of 126 lbs per square foot which equates to more than a safe average suspended floor loading. Any fixing to a wall will reduce this loading. Joist ends are a more suitable fixing location than joist runs, though care must be taken to avoid weakening the joists when fixing to them.

18.47 In a loft installation for a cabinet, care needs to be exercised. Not all lofts have joists calculated to include weight loading other than that of the ceiling below. It is not uncommon for joists in lofts to be 40% smaller in cross sections than joists carrying floors. Full use must therefore be made of the support from structural walls carrying such joists. If there is any doubt, the applicant/certificate holder should obtain professional structural advice.

18.48 Fixings for security devices form an important part of the overall resistance to attack. Fastening to timber studded walls should be avoided, unless some additional anchorage can be provided. Floor or roof joists (subject to the previous comments) are acceptable. Walls of brick, concrete or masonry are usually the best bonding materials. It is important that the fixing chosen is correct for that material (for example expanding bolts, chemical anchors, toggle bolts etc). With modern building materials, particularly breeze and thermal block walls, the materials are not particularly suited to normal fixing devices.

18.49 When security devices are being fitted, consideration should be given to varying the method of fixing. For example, in buildings with only partition internal walls and modern insulation block lining or random stone walls, it can be acceptable to fix cabinets horizontally, as long as appropriate fixing devices are used.

18.50 This will also assist when fastening into suspended wooden flooring, as it distributes the load more evenly. In this case, coach screws of at least 3/8" (8 mm) diameter and not less than 2.5" (63 mm) long will normally provide a suitable anchorage. Such fixings must be made into joists and not simply to the floor boarding.

18.51 Another consideration should be the size and weight of the larger form of gun cabinet or commercial safe. Due to their weight or size, fixing may be unnecessary in these cases, but they should be located in such a position that would further frustrate removal.

Consideration for certificate holders transporting firearms in vehicles

18.52 When carrying firearms in a vehicle, the following steps are considered to accord with the duty to ensure the safe custody of the items.

18.53 Whenever possible, the vehicle should not be left unattended for long periods. Vehicles containing firearms and left unattended for any length of time should ideally have an immobiliser and/or alarm fitted. For commercial vehicles, such as vans additional locking solutions should be fitted to manufacturer’s standards. Trackers should be considered by those individuals who regularly move large numbers of guns.

18.54 Where possible, they should be parked in an area that is visible to passing traffic or pedestrians to reduce the risk of the vehicle being broken into.

18.55 For preference, the firearms should be stored in the locked boot or other secured load carrying area of the vehicle. They should be out of sight from passers-by.

18.56 In the case of estates, hatchbacks and similar vehicles, the certificate holder should ensure that:

a) where fitted, the lid or cover of the load carrying area should be in place, or the firearms are covered and concealed to prevent their identification;

b) if the vehicle is to be left unattended for any length of time, the firearm and ammunition should not be stored together;

c) where the boot or load carrying area is the most practical place, ammunition should be secured in an appropriate container ideally, but not necessarily, secured to the vehicle;

d) where it is practical, the bolt, magazine or other operating part should be separated from the firearm and either carried on the person, or kept in a locked container, ideally secured to the vehicle, or concealed elsewhere.

18.57 Where firearms and ammunition are being carried on a journey which involves their being kept away from their usual secure storage, the certificate holder should make arrangements to ensure that they are, so far as is possible, secure. Considerations when firearms are being taken to venues involving overnight or longer accommodation include:

a) obtaining accommodation that already provides secure facilities;

b) separating and retaining possession of integral parts of the firearm – eg, the fore-end of a shotgun, bolt of a rifle etc;

c) utilising portable security devices – ie, security cords etc.

Chapter 19: Fees

19.1 This chapter sets out the legal authority for charging fees for certificates and other authorisations issued under the Firearms Acts and sets out the exemptions.

Legal authority

19.2 There are two distinct types of fee set out in the Firearms Acts. These are:

- Under section 43 of the 1968 Act, the Secretary of State has a power to vary the level of fees payable under the Act for licensing applications administered by the police. These fees were last set in 2026 and are subject to change.

- Under section 32ZA of the 1968 Act and section 15B of, and paragraph 3A of the Schedule to, the Firearms (Amendment) Act 1988, the Secretary of State has a power to set fees payable under the Act for licensing applications administered by the Home Office or Scottish Government. The Firearms (Fees) Regulations 2019 set out the fees for prohibited weapons applications, museum licences and shooting clubs. These fees were last set on 1 October 2019 and are subject to change.

Fees for firearms certificates etc issued by the police

19.3 The fees for the different types of certificates etc issued by the police are set out below. Generally, certificates for firearms and shotguns are valid for five years. Those for registered firearms dealers are valid for three years.

Activity	**Total Fee (£)**
Grant of Firearm Certificate	204
Grant of a Shotgun Certificate	200
Renewal of Firearm Certificate	135
Renewal of a Shotgun Certificate	130
Registered Firearms Dealers - Grant or Renewal	480
Replacement of lost or destroyed Firearm or Shotgun Certificate	9
Coterminous grant /renewal	208 / 160
Visitor permit (individual / group)	48 / 240
Registered Firearms Dealer Grant for Game Fair etc.	31
Variation (not like for like)	48

Exemption from fees for firearm certificates

Variations

19.4 No fee is payable on variation:

a) if the total number of firearms to which the certificate relates is not increased;
b) in respect of amended or variation of conditions;
c) in respect of ammunition alone;
d) when a firearm certificate is renewed at the same time; or
e) where the two elements of a “one for one” variation take place at the same time; that is one firearm is exchanged for another at the same time.

19.5 Where a certificate holder who has disposed of a firearm makes application for a variation upon disposing of the firearm this will not normally attract a fee. This is usually within the seven days allowed for advice of the disposal, although this time may vary between police forces and depend on circumstance. Timings should be checked with the relevant licensing department.

Other exemptions from fees for firearm certificates

19.6 Sections 32 and 35 of the 1968 Act state a fee is charged only upon “grant”, “renewal” or “replacement” of a certificate. Therefore, no fee is payable upon refusal.

19.7 Section 32(3) of the 1968 Act also provides that no fee shall be payable on the grant, variation or renewal of a certificate if the chief officer of police is satisfied that the certificate relates solely to, and, in the case of a variation, will continue when varied to relate solely to;

(a) a firearm or ammunition which the applicant requires as part of the equipment for a ship or hovercraft; or

(b) a signalling apparatus (for example signal or ‘Very’ pistols) or ammunition which the applicant requires as part of the equipment of an aircraft or aerodrome; or

(c) a slaughtering instrument or ammunition, which the applicant requires for the purpose of the slaughter of animals. The term “slaughtering instrument” means a firearm designed or adapted for this purpose, rather than simply a weapon possessed for the humane destruction of animals.

19.8 In categories (a) and (b) a free certificate should, in general, be granted only to the owner or charterer of the ship, hovercraft, aircraft or aerodrome, the owner or charterer’s agent, or the master or other responsible officer in charge of the stores of the ship, hovercraft, aircraft or aerodrome. In the case of category (c), the persons to whom free certificates in respect of slaughtering instruments or ammunition may be granted will include master butchers, superintendents of abattoirs, farmers, smallholders and crofters who kill their own animals within the food chain. Note that vets are not exempt.

19.9 Section 32(3A) of the 1968 Act, as amended by Article 5 of the Firearms (Variation of Fees) Order 1994, provides a further exemption from the requirement to pay a fee for signalling devices which, when assembled and ready to fire, are not more than eight inches long.

19.10 Under Regulation 3 of the Firearms (Fees) Regulations 2019, a fee is payable to the Home Office or Scottish Government before a trophy of war authority is granted. Where a firearm certificate is subsequently granted, section 32(4) of the

1968 Act provides that a firearm certificate relating solely to a trophy of war shall be granted free of charge and subject to the condition that the applicant shall not use the firearm. An ordinary certificate may also be varied free of charge so as to cover a trophy of war if the variation is made subject to the condition that the weapon shall not be used.

19.11 Section 54(2)(b) of the 1968 Act provides for the issue of a free firearm certificate or, as the case may be, shotgun certificate to a person in the armed services who satisfies the chief officer of police that they are required to purchase or acquire a firearm or ammunition for their own use in their capacity as such.

19.12 The Diplomatic Privileges Act 1964 exempts diplomats and members of some international bodies from payment of the certificate fee (see the section titled 'Representatives of Foreign States and Commonwealth countries' in Chapter 10).

Coterminous firearm and shotgun certificates

19.13 A reduced fee is payable in the case of coterminous certificates, as per section 11(3) of the Firearms (Amendment) Act 1988.

Variation to a firearm or shotgun certificate where a fee is charged

19.14 In accordance with section 32(1)(c) of the 1968 Act, a fee is payable for a variation (other than when the certificate is being renewed at the same time) that increases the number of firearms to which the certificate relates.

Dealer's registration

19.15 Section 35(2) of the 1968 Act provides an exemption from the requirement to pay a fee for registration as a firearms dealer when the applicant is transferring their business from another police force area where they are already registered. This is also the case when the transfer is merely the result of a change of local government or police force area boundaries.

Home Office and Scottish Government firearms fees

Fees for a prohibited weapons authority, museum licence or shooting club approval

19.16 Fees for these different types of firearms applications are as set out below. Generally, prohibited weapons authorities are valid for up to three years, museum licences for five years and shooting club approvals for six years.

Licence type	Fee
Museum first time	£200
Museum renewal	£200
Museum variation A	£110
Museum variation C	£36
Club first time	£444
Club renewal	£372
Club variation A	£300
Club variation B	£206
Club variation C	£36
Dealer first time	£796 (before discount)
Dealer renewal	£747 (before discount)
Dealer variation A	£425
Dealer variation B	£206
Dealer variation C	£36
Carrier first time	£569
Carrier renewal	£540
Carrier variation A	£361
Carrier variation B	£206
Carrier variation C	£36
PMSC first time	£616
PMSC renewal	£565
PMSC variation A	£361
PMSC variation B	£206
PMSC variation C	£49
PMSC variation D	£316
New Guard	£48
Defence and Security Equipment International exhibitor	£389
Olympic shooter	£206
Trophy of War	£206

19.17 The fee levels for the different categories of variation applications relate to the degree of scrutiny required:

Variation A: Significant Government scrutiny and a police visit will be required, for example new premises at which firearms will be stored or a significant new area of business.

Variation B: Some Government scrutiny and a police check but no visit, for example a change to a person named on the authority, such as a named individual who is responsible for security.

Variation C: Any other change – an administrative change, such as a change of name, which requires the re-issuing of the licence.

Variation D: Applicable to PMSCs only – the authorising of new guards, which requires police checks. There is a charge for each new guard.

Prohibited weapons authority

19.18 Part 2 of The Firearms (Fees) Regulations 2019 sets out the fees payable to the Home Office or Scottish Government before a relevant section 5 authority, permitting the possession of prohibited weapons, is granted, varied or renewed. A 'relevant section 5 authority' includes an authority granted to: registered firearms dealers (RFDs), carriers, exhibitors, maritime security companies, trophy of war or competitive shooters. Further information about application types and the relevant applicable fee is contained in Part 2 of the 2019 Regulations.

19.19 Dealers who make an application to the police to be an RFD as part of their section 5 application will be subject to a discount equal to the amount of their fee to the police to be registered as an RFD (currently £200). This will avoid double payment. As the dates for RFD and section 5 renewal are synchronised after grant, the discount will ordinarily apply to renewal applications. In cases where the applicant is already an RFD and applying for grant of a section 5 authority, they will not benefit from the discount.

Target shooting clubs

19.20 Part 3 of The Firearms (Fees) Regulations 2019 sets out the fees payable to the Home Office or Scottish Government before an approval under section 15 of the Firearms (Amendment) Act 1988 is granted, varied or renewed.

19.21 No fee is payable in respect of a firearm certificate subsequently granted by the police to the responsible officer of any rifle or muzzle-loading pistol club or miniature rifle club approved by the Secretary of State or the Scottish Ministers, and relating to firearms and ammunition to be used solely for target shooting by members of the club. Nor is any fee payable in respect of the variation or renewal or such a certificate (section 32(2) of the 1968 Act).

Museum firearms licence

19.22 Part 4 of The Firearms (Fees) Regulations 2019 sets out the fees payable to the Home Office or Scottish Government before a licence under the Schedule to the Firearms (Amendment) Act 1988 (firearms and ammunition in museums) is granted, varied or renewed.

19.23 Museums that possess a museum firearms licence are not subject to any fees in respect of applications for, or variations of, authorisations as dealers under section 5.

Chapter 20: Notices and Appeals

20.1 This chapter provides information about:

- the circumstances that require chief officers of police, the Secretary of State or Scottish Ministers to provide notices to those including firearms or shotgun certificate holders, and registered firearms dealers; and
- the process for appeals against police decisions.

Notices

20.2 Chief officers of police are required to give notice:

(a) to the holder of a firearm certificate:

- when varying a condition in the certificate (section 29(1) of the 1968 Act); or
- when the chief officer requires them to surrender their certificate under section 30D(1) of the 1968 Act – whereupon the chief officer of police may request in writing the holder surrender any firearms or ammunition in their possession; or the certificate is cancelled by a court (section 52(2)(b) of the 1968 Act).
- when (following all reasonable attempts to reunite firearms with their owner), the chief officer of police chooses a manner in which to dispose of a firearm or ammunition of the certificate holder under section 12(4) of the Firearms (Amendment) Act 1988. Every reasonable effort should be made to realise the best price for the firearm(s) and ammunition where possible (see also Chapter 10 under ‘revocations and cancellations’).

(b) to the holder of a shotgun certificate:

- when requiring them to surrender their certificate when it has been revoked by the chief officer of police (section 30D(1) of the 1968 Act or cancelled by a court (section 52(2)(b) of the 1968 Act).

(c) to a registered firearms dealer:

- who has failed by the date of expiry to surrender their certificate of registration, requiring them to comply with the statutory requirement (section 38(6) of the 1968 Act);
- of the intention to remove their name from the Register; or
- when the name of the dealer is removed from the register, requiring them to surrender their certificate of registration and register of transactions. If the register is kept by means of a computer, a copy of the information comprised in that register should be in a visible and legible form (section 38(8) of the 1968 Act).

20.3 The Secretary of State and the Scottish Ministers are required to give notice:

(a) to the holder of the Secretary of State or Scottish Ministers' authority under section 5(1) of the 1968 Act requiring them to deliver up their authority when it has been revoked (section 5(6) of the 1968 Act);

(b) to the persons responsible for the management of a museum holding a museums firearms licence:

- when varying the conditions in the licence (paragraph 2(1)(a) of the Schedule to the 1988 Act);
- when extending or restricting the premises to which the licence applies (paragraph 2(1)(b) of the Schedule to the 1988 Act);
- when requiring them to surrender the licence when it has been revoked (paragraph 2(4) of the Schedule to the 1988 Act).

20.4 Article 2 of the Electronic Communications Order (SI 2011/713) amends section 56 of the 1968 Act to reflect that any notice to be given under that Act to a person may be given by recorded delivery service or electronic means such as email or fax. Notices may also be, and frequently are, served personally by the police, or in the case of somebody serving a term of imprisonment, a Prison Officer. In the case of revocation or refusal to renew a certificate, personal service, whenever practicable, gives the person an opportunity to discuss the matter.

Appeals

20.5 Sections 28A, 29, 30A, 30B, 30C, 34, 36, 37 and 38 of the 1968 Act (as amended) and section 12(4) of the Firearms (Amendment) Act 1988 give rights of appeal against decisions of chief officers of police in connection with the grant, variation, renewal or revocation of firearm certificates, and the registration or removal from the register of firearms dealers. Under section 44 of the 1968 Act an appeal lies to the Crown Court in England and Wales, or to the Sheriff in Scotland, in accordance with Schedule 5 of the 1968 Act. There is a right of appeal against a decision to vary existing conditions in section 29, but not against the initial decision to impose conditions (Buckland v Cambridgeshire Constabulary).

20.6 Under Schedule 5 of the 1968 Act an appellant must give notice of their appeal to the administrator of the Crown Court (or Sheriff, in Scotland)[1] and to the chief officer of police concerned within 21 days after the date on which they received notice of the decision of the chief officer against which they wish to appeal. The chief officer might want to consider any further evidence or representations at any time leading up to the hearing of an appeal. The administrator of the Crown Court or Sheriff is then required to enter the appeal and give notice to the appellant and to the chief officer of the date, time and place fixed for the hearing. Paragraph 5 of the Schedule provides that the chief officer may appear and be heard at the hearing of the appeal. The Schedule also provides for abandonment of an appeal

[1] Schedule 5 Part III (Scotland) does not refer to a requirement to give notice of an appeal, the date, time and place of the hearing, or contain any provision about the abandonment of an appeal.

by notice in writing to the administrator of the Crown Court or Sheriff and the chief officer not less than two clear days before the hearing.

20.7 Section 44 of the 1968 Act was amended by section 41 of the 1997 Act. This provided two points of clarification in respect of the appeal process:

(a) that an appeal shall be determined on the merits (and not by way of review), (R v Acton Crown Court (ex parte Varney) 1984); and

(b) that the Court or Sheriff hearing an appeal may consider any evidence or other matter, whether or not it was available when the decision of the chief officer was taken (Kavanagh v Devon and Cornwall Constabulary 1974).

20.8 In practice, this means that the courts will consider the case afresh, including any matters that may have come to light since the chief officer of police's decision was made. The chief officer should therefore consider any such matters which have arisen which might have a bearing on the case prior to the appeal.

20.9 In dealing with an appeal, police forces may wish to take the advice of their legal department on matters of law. It should be noted that apart from the Statutory Guidance for Chief Officers of Police, other guidance issued by the Home Office/Scottish Government or the National Policing Lead for Firearms Licensing is non-statutory in nature, and therefore there is no express statutory obligation for the police or the public to have regard to it. However, such guidance will often reflect the existing case law and previous decisions by the courts, and forces should consider what precedents may have been established in similar cases.

20.10 As a general rule, no order for costs should be made against the police where an applicant is successful on appeal, unless, as an exception to the general rule, the police's decision was unreasonable, or the police have acted in bad faith, in which case costs can be awarded against the police in those limited cases. The main concern of the police should always be public protection. In these cases the following case law applies:

- Oldring v Chief Constable of Hampshire (2003) – Costs should only be awarded against the police where their decision was "Wednesbury unreasonable;" meaning so unreasonable that no reasonable decision maker could have arrived at it. The question of whether or not the police's decision was reasonable should be judged on the basis of the material that was before the police at the time they made the decision.

- R (On the application of Chief Constable of Sussex) v Chichester Crown court (2003) – Provided the Chief Constable reasonably comes to the conclusion that there are grounds to revoke and can maintain that view before the court, there can be no injustice to the appellant in denying them the ability to recover their costs even though they have succeeded on appeal.

20.11 Ultimately, the courts retain discretion over what to decide on the issue of costs, but the court will be bound to follow the applicable case law.

20.12 Recognising the public interest that the tightest control is exercised over those who possess firearms, the following case set out that, as a rule, appeals should be heard by full-time circuit judges.

- Chief Constable of Essex v Campbell (2012) – [Firearms licensing appeals] must, in the view of this court, be heard by full-time circuit judges. It is simply not fair to ask a part-time judge, without the experience of a full-time judge, to decide such issues. It should therefore follow that it is only with the consent of the Presiding Judges of a Circuit that a Recorder should be permitted to hear any such appeal, given the overwhelming importance of the strictness of control over those who have the privilege of holding firearms.

Chapter 21: Criminal use of Firearms

21.1 This chapter outlines the various criminal offences contained in the 1968 Act, and includes references to firearms offences under the Highways Act 1980 and the Violent Crime Reduction Act 2006 as well as the new offence on the possession of component parts of ammunition with intent to illegally manufacture completed rounds, as introduced by section 2 of the Firearms Act 2023.

Conversion of weapons (section 4 of the 1968 Act)

21.2 Section 4(1) of the 1968 Act makes it an offence to shorten the barrel of a shotgun to a length less than 24 inches. It is not an offence for a registered firearms dealer to shorten the barrel of a shotgun for the sole purpose of replacing a defective part of the barrel so as to produce a barrel not less than 24 inches in length. Section 4(3) makes it an offence for a person other than a registered firearms dealer to convert an imitation firearm into a firearm.

21.3 A person who commits an offence under section 1 of this Act by possessing, purchasing or acquiring a shotgun with a barrel shortened to less than 24 inches or a converted imitation firearm without holding an appropriate firearm certificate shall be treated as committing the offence in an aggravated form.

Possession of firearm with intent to endanger life (section 16 of the 1968 Act)

21.4 Section 16 of the 1968 Act makes it an offence to possess a firearm or ammunition with intent to endanger life or to enable another person to endanger life. The maximum penalty for this is life imprisonment.

21.5 Section 16A of the 1968 Act makes it an offence to possess a firearm or imitation firearm with intent to cause or to enable another person to cause, someone else to believe that unlawful violence will be used against them or another person. It provides for a maximum penalty of 10 years imprisonment or a fine, or both.

Using a firearm or imitation to resist arrest (section 17 of the 1968 Act)

21.6 Section 17(1) of the 1968 Act makes it an offence for a person to use a firearm or imitation firearm with intent to resist or prevent their arrest, or that of some other person. Section 17(2) makes it an offence to possess a firearm or an imitation firearm when committing, or being arrested for, one of the offences in Schedule 1 of the 1968 Act (in Scotland, Schedule 2), unless they can show that they possess it for a lawful object. It should be noted that section 17(3) of the 1968 Act has been repealed.

21.7 Schedule 1 of the 1968 Act has been amended by Schedule 2 of the Theft Act 1968. Section 10 of the Theft Act 1968 creates the offence of aggravated burglary in respect of burglary with firearms. The Theft Act 1968 does not extend to

Scotland.

21.8 For the purposes of section 17 of the 1968 Act the definition of “firearm” in section 57(1) of the 1968 Act applies without paragraphs (b) and (c) of that subsection, and “imitation firearm” is construed accordingly. The definition of firearm for the purposes of section 10 of the Theft Act includes an air gun or air pistol.

21.9 The Firearms Act 1982 Act extends the provisions of section 1 of the 1968 Act to firearms that have the appearance of being a firearm to which section 1 of the 1968 Act (firearms requiring a firearm certificate) applies, and it is so constructed or adapted as to be readily convertible into a firearm to which that section applies.

Carrying a firearm or imitation with criminal intent (section 18 of the 1968 Act)

21.10 Section 18(1) of the 1968 Act makes it an offence for a person to have with them a firearm or imitation firearm with intent to commit an indictable offence or to resist arrest or prevent the arrest of someone else while they have it with them.

21.11 Section 18(3) provides that in Scotland, “indictable offence” means any offence specified in paragraphs 1-18 of Schedule 2 to the 1968 Act. It should be noted that the definition of “indictable offence” in section 57(4) of the 1968 Act was omitted by the Criminal Law Act 1977 schedule 13. The Interpretation Act 1978 states in Schedule 1 that, in relation to England and Wales, “indictable offence” means an offence which, if committed by an adult, is triable on indictment, whether it is exclusively so triable or triable either way.

21.12 In order to prove an offence under section 18(1) of the 1968 Act, it is necessary to show that:

a. the accused had a firearm or imitation firearm with them; and

b. they intended to commit an indictable offence or to resist arrest or prevent the arrest of another, as the case may be.

21.13 Section 18(2) of the 1968 Act provides that if (a) and (b) are proved, that shall be evidence of an intention to have the weapon with them at the time of committing the offence or of resisting or preventing the arrest which can be displaced by evidence to the contrary.

21.14 Section 18 of the 1968 Act covers all types of firearms, including shotguns, air weapons and imitation firearms. It should be noted that an air weapon must be sufficiently powerful to be defined as a lethal barrelled weapon.

Carrying firearms in a public place (section 19 of the 1968 Act)

21.15 Section 19 of the 1968 Act makes it an offence to have in a public place without lawful authority or reasonable excuse (the proof of which lies on the accused) a loaded shotgun, an air weapon (whether loaded or not), any other firearm (whether loaded or not) together with ammunition suitable for use in that firearm, or an imitation firearm.

21.16 Section 57(6) of the 1968 Act includes a definition of “loaded” in relation to

shotguns and air weapons. An air weapon is to be treated as loaded if there is ammunition in the chamber or barrel or in any magazine or other device which is in such a position that the ammunition can be fed into the chamber or barrel by the manual or automatic operation of some part of the gun or weapon.

21.17 The definition of a "public place" in section 57(4) of the 1968 Act is the same as that in section 1(4) of the Prevention of Crime Act 1953, specifically "any highway and any other premises or place to which at the material time the public have or are permitted to have access, whether on payment or otherwise". For Scotland, the word "highway" in the definition of "public place" in section 57(4) has been deleted and replaced by "road (within the meaning of the Roads (Scotland) Act 1984)".

21.18 Members of an approved rifle or muzzle-loading pistol club who carry club firearms and ammunition for the purpose of club shoots at ranges away from their home club premises benefit from the provisions of section 15 of the Firearms (Amendment) Act 1988. People so doing might be encouraged to carry written authority from their club secretary or club official and a copy of the club certificate. Firearms removed from club premises for the purpose of participating in competitions should be returned, without delay, to the club storage after the competition, unless it is impracticable to do so.

Trespassing with firearms (section 20 of the 1968 Act)

21.19 Section 20 (1) of the 1968 Act makes it an offence for a person, while they have a firearm (including an air weapon) or imitation firearm with them, to enter or be in any building or part of a building as a trespasser, and without reasonable excuse (the proof of which lies with them). Sections 20(2) and 20(3) extend this offence to include any land and land covered with water.

21.20 Reasonable excuse is a defence, if it can be proved, but no exception is made for "lawful authority" since lawful authority itself would be incompatible with trespass. It is immaterial whether or not the firearm is loaded, or whether or not the accused have ammunition with them.

Possession of firearms by persons previously convicted of crime (section 21 of the 1968 Act)

21.21 A person who has been sentenced to custody for life or to preventive detention, or to imprisonment or to corrective training for a term of three years or more, or to youth custody or detention in a young offenders institution, shall not at any time have a firearm or ammunition in his possession. This includes an antique firearm, an air gun or ammunition for it.

21.22 A person who has been sentenced to imprisonment for a term of three months or more but less than three years, or to youth custody or detention in a young offenders institution for such a term or who has been subject to a secure training order or a detention and training order, shall not at any time before the expiration of the period of five years from the date of his release have a firearm or ammunition in his possession.

21.23 In the case of a sentence with an order under section 47(1) of the Criminal Law Act 1977 (partly in prison and partly suspended) "the date of his release" means the date on which the period in prison specified in the order is completed.

21.24 In the case of a person subject to a secure training order "the date of his release" means the date in which he is released from detention under the order, or the date halfway through the total period specified in the order, whichever is the later.

21.25 In the case of a person subject to a detention and training order "the date of his release" means the date on which he is released from detention ordered under section 104 of the Powers of Criminal Courts (Sentencing) Act 2000, or the date in which he is released on licence following recall from prison as specified in the order, or the date of the half-way point of the term of the order, whichever is the later.

21.26 A person who is subject to a recognizance to keep the peace or to be of good behaviour, or a community order within the meaning of Part 12 of the Criminal Justice Act 2003 made in England or Wales, or a caution in Scotland, containing a requirement that he shall not possess, use or carry a firearm, shall not at any time during which he holds the licence or is so specified by the order, have a firearm or ammunition in his possession.

21.27 It is an offence for a person to sell or transfer, or to repair, test, or prove, a firearm or ammunition for a person whom he knows or has reasonable ground for believing to be prohibited by this section to have a firearm or ammunition in his possession.

21.28 A person prohibited under this section from having in his possession a firearm or ammunition may apply to the Crown Court or, in Scotland, to the sheriff, for a removal of the prohibition, and if the application is granted that prohibition shall not then apply to him.

Firing an air weapon beyond premises (section 21A of the 1968 Act)

21.29 Section 21 A of the 1968 Act, as inserted by section 34 of the Violent Crime Reduction Act, makes it an offence for a person of any age who has an air weapon on any premises to fire a missile beyond those premises. It is a defence for a person to show that the premises into or across which the missile was fired were premises the occupier of which had consented to the firing of the missile (whether specifically or by way of general consent).

Highways Act 1980

21.30 Under section 161 of the Highways Act 1980, it is an offence for any person, without lawful authority or excuse, to discharge any firearm within fifty feet of the centre of any highway, if in consequence any user of the highway is injured, interrupted or endangered. For these purposes a carriageway means a highway (other than a cycle track) over which the public have a right of way for the passage of vehicles.

21.31 The Highways Act does not apply in Scotland but Procurators Fiscal may use common law offences of "culpable and reckless conduct" and "reckless endangerment" in situations in which the 1980 Act would be contravened in England and Wales.

Possessing component parts of ammunition with intent to manufacture illegally

21.32 Section 3A of the Firearms Act 1968, as inserted by section 2 of the Firearms Act 2023, makes it an offence for a person to possess any component parts of ammunition with intent to using those parts to manufacture section 1 ammunition where to do so possession of the ammunition would constitute an offence under section 1, or the manufacture or possession would constitute an offence under section 3. Component parts are defined for these purposes as bullet, cartridge case, primer and propellant.

Chapter 22: Law Enforcement

22.1 This chapter provides information about police powers to:

- search with a warrant;
- stop and search;
- require production of certificates; and
- arrest.

22.2 It goes on to set out some details of the time requirements for commencement of summary proceedings, and the powers of a court to order the cancellation of a certificate and/or the forfeiture of firearms or ammunition.

Search with a warrant

22.3 Section 46 of the 1968 Act provides that if a justice of the peace or a magistrate, or a sheriff in Scotland, is satisfied that there is reasonable ground for suspecting that an offence under the Act (except an offence under section 22(3) of the 1968 Act or an offence relating specifically to an air weapon) has been, is being, or is about to be committed, or that, in connection with a firearm or ammunition, there is a danger to the public safety or to the peace, they may grant a search warrant authorising a constable or civilian officer:

(a) to enter at any time premises or a place named in the warrant, if necessary by force, to search the premises or place and every person found there;

(b) to seize and detain anything found on premises or a place, or on any person there, which they suspect of being connected with an offence, or a possible offence under the Act (other than an offence under section 22(3) of the 1968 Act or connected with air weapons) or, in connection with a firearm, imitation firearm or ammunition, there is a danger to the public safety or to the peace.

22.4 The power to seize and detain under section 46 of the 1968 Act includes a power to require information stored in any electronic form, which is accessible from the premises or place in question, to be produced in a legible and visible form which can be taken away.

Stop and search

22.5 Section 47 of the 1968 Act gives the police various powers in connection with offences and suspected offences in a public place, or elsewhere, under sections 18(1) and (2) and 20 of the 1968 Act. A constable having reasonable cause to suspect a person of having a firearm, with or without ammunition, with them in a public place, or to be committing or about to commit, elsewhere than in a public place, offences under sections 18(1) and (2) and 20 may require the firearms or ammunition to be handed over for examination, search that person and detain them for the purpose of doing so, and, if a vehicle is involved, search the vehicle

and for that purpose require the person driving or in control of it to stop it. For the purpose of exercising these powers a constable may enter any place.

22.6 The primary purpose of section 47(1) of the 1968 Act is to enable a constable to require the handing over of a firearm and any ammunition for their examination so that they may ascertain, for instance, whether a firearm is real or an imitation, what type of firearm it is (if this is not apparent), whether it is loaded or whether the ammunition is suitable for use in the firearm. It is, for example, an offence under section 19 of the 1968 Act, as amended by section 37(1) of the Anti-social Behaviour Act 2003, to have with you in a public place, without lawful authority or reasonable excuse:

i) a loaded shotgun,

ii) an air weapon (whether loaded or not),

iii) any other firearm (whether loaded or not) together with ammunition suitable for use in that firearm, or

iv) an imitation firearm in a public place.

22.7 Thus if a constable sees a person with such a gun in a public place, although they have obvious grounds for suspecting them of having a firearm, they may well have no grounds for suspecting an offence until they have exercised the powers given by section 47(1) of the 1968 Act and examined the firearm. If the person refuses to hand over a firearm or ammunition when required to do so, they commit an offence and a power of arrest arises, as explained below.

22.8 The powers to detain, search and enter in section 47 of the 1968 Act are similarly intended to enable a police officer to determine whether an offence has been committed and to take immediate and effective action. Section 47 also confers the power to require the person in question to hand over any firearms or ammunition for examination. The powers are, however, limited to the offences under the Act which are listed above, and any officer using them may have to satisfy a court as to the grounds upon which they were exercised. Chief officers of police should keep careful watch on the use of these powers and satisfy themselves that they are used properly and with discretion.

Require production of Certificates

22.9 Section 48 of the 1968 Act provides that a constable may demand from any person believed to be in possession of a firearm or ammunition to which section 1 of the 1968 Act applies, or of a shotgun the production of their firearm certificate, or, in the case of a shotgun, their shotgun certificate.

22.10 Section 48(2) of the 1968 Act provides a constable the power to seize weapons and ammunition in cases of non-compliance, the constable may also require the person to immediately declare his full name and address.

Arrest

22.11 Section 24 of the Police and Criminal Evidence Act 1984 applies to England and Wales with regards to arrest without warrant powers for constables. In England and Wales a constable may arrest anyone without warrant who is, or he suspects is, about to, or in the act of, committing an offence. In Scotland, section 1 of the Criminal Justice (Scotland) Act 2016 provides a general power of arrest without warrant.

22.12 If an offence has been committed the constable may arrest anyone without a warrant who is either guilty or whom he has reasonable grounds for suspecting them to be guilty.

22.13 The constable in question must have reasonable grounds for believing it is necessary to arrest the person in question. The reasons are:

(a) to enable the name or address of the person in question to be ascertained

(b) to prevent the person in question—

(i) causing physical injury to himself or any other person;

(ii) suffering physical injury;

(iii) causing loss of or damage to property;

(iv) committing an offence against public decency;

(v) causing an unlawful obstruction of the highway;

(c) to protect a child or other vulnerable person from the person in question;

(d) to allow the prompt and effective investigation of the offence or of the conduct of the person in question;

(e) to prevent any prosecution for the offence from being hindered by the disappearance of the person in question.

Time for commencing summary proceedings

22.14 Section 51(4) of the 1968 Act provides that, notwithstanding section 127 of the Magistrates Courts Act 1980 or section 23 of the Summary Jurisdiction (Scotland) Act 1954, summary proceedings for any offence under the Act (except section 22(3) of the 1968 Act, or any offence relating specifically to air weapons) may be instituted at any time within four years after the commission of the offence.

22.15 It should be noted though that no proceedings shall be instituted in England and Wales six months after the date of the offence, unless they are instituted by, or under the direction of, the Director of Public Prosecutions. Such cases requiring the consent of the Director of Public Prosecutions should be referred to the local Crown Prosecution Service Office (under section 1(6) of the Prosecution of Offences Act 1985 a Crown Prosecutor has all the same powers of the Director as

to the institution of proceedings). The provision will be found useful in cases in which offences under the Act of a comparatively serious nature do not come to light until some time afterwards, for example, at the time that a firearm certificate falls due for renewal.

Forfeiture and disposal of firearms and cancellation of certificates by a convicting Court

22.16 Section 52 of the 1968 Act sets out the circumstances in which, on conviction, a court may order the forfeiture and disposal of firearms and ammunition and cancel firearm or shotgun certificates. Power is given to a constable to seize and detain any firearm or ammunition that may be the subject of an order for forfeiture. In the event of a cancellation of a certificate, the court must notify the chief officer of police who granted the certificate. The chief officer must then, by notice in writing, require the holder to surrender the certificate, and the holder must surrender the certificate within 21 days. No order can be made on the conviction of a person for an offence under the schedule of the Firearms (Amendment) Act 1988 concerning museum licences for the forfeiture of any firearm and ammunition in their possession in their capacity as a museum employee (section 25(5) of the 1988 Act).

Counting Rules for Recorded Crime

22.17 Where the offences of possessing etc firearms or ammunition, or shotguns, without a certificate are committed, often when a certificate expires and has not been renewed, a crime report must be completed:

(a) the day following the expiry of the certificate; or

(b) when the offence is substantiated, that is when the certificate holder is visited by the Enquiry Officer to carry out routine renewal enquiries and it is established that the applicant was in unlawful possession of the firearms and/or ammunition after the expiry date. This option is considered the most appropriate.

Chapter 23: Proof of Firearms

23.1 Proof is the compulsory testing of every firearm to ensure its safety before it is first offered for sale. It includes all explosive operated small arms, whether for present use or future invention adapted for the discharge of shot, bullet or other projectile. It includes pistols, revolvers, shotguns, rifles, cattle killers, line throwers, signal pistols, alarm guns and nail driving and other industrial tools. Air weapons are not included. Firearm barrels adapted to discharge a ball of a greater weight than one pound and three quarters, or a barrel of a bore exceeding 2 inches, are not included. Reproof is the similar testing of a firearm that may have fallen below standard because of alteration. This is a complex area and chief officers of police will want to consider seeking guidance from qualified gunsmiths or the proof houses mentioned below when dealing with issues around proof. The proof houses can also carry out safety tests on items not subject to statutory proof, such as cannon barrels.

23.2 There are two proof houses:

Birmingham Proof House
Banbury Street
Birmingham
B5 5RH
Website: http://www.gunproof.com

London Proof House
48 Commercial Road
London
E1 1LP
Website: http://www.gunmakers.org.uk

For any queries relating to proof, please contact the proof authorities directly.

23.3 The proving of firearms is governed by the Gun Barrel Proof Acts of 1868, 1950 and 1978 (However, note that much of the 1950 Act was repealed in 1996 by SI 1996/1576).

Under these Acts it is:

(a) an offence to sell, exchange, expose or keep for sale, or export, or keep for exportation, or to attempt to sell, exchange or export, or to pawn or pledge, or attempt to pawn or pledge, or to take in pawn or pledge, an arm, the barrels of which are not duly proved and marked as proved (section 108 and 109 of the 1868 Act);

(b) an offence to import into the United Kingdom small arms, the barrels of which are not duly proved and marked as proved, without giving notice in writing within seven days to either the London or Birmingham Proof House or to send such imported arms, within twenty-eight days of their arrival in the United Kingdom, to be proved at either the London or Birmingham Proof House (Section 122 of the 1868 Act).

This does not apply to any small arm imported by any person for their own personal use whilst it is in their possession. In such a case, the proof is the responsibility of the possessor.

23.4 For each offence committed, every person shall be liable on summary conviction to a fine, and on conviction on indictment to a fine (see Section 122 of the 1868 Act). If it should come to notice that firearms which do not bear recognised proof marks are being dealt with in any way, the fact should be communicated to the Proof Master at one of the addresses above.

23.5 It should be noted that the word “barrel”, as defined in Section 4 of the 1868 Act, includes the breech or any part of the arm in, from or through which all or any part of the charge would be fired. Illustrations of all the proof marks that are at present recognised in the United Kingdom may be obtained from either of the proof houses listed above. They can also provide a small booklet (“Notes on the proof of shotguns and other small arms”), at a nominal cost. This covers the law and procedure of proof, and provides examples of a broad range of proof marks.

23.6 Section 129 of the 1868 Act (convention proof marks) provides for the registration at the Proof Houses of Birmingham and London of the proof marks of a foreign state which has a public proof house established by law and recognised by the Permanent International Commission for the Proof of Small Arms (CIP).

23.7 Section 130 of the 1868 Act also provides that barrels bearing duly registered proof marks of a foreign state shall be exempt from the liability to prove. If the barrel is altered by any means except user wear and tear so that it no longer represents the proof to which it would be subject in the official proof house of the state in question, it shall cease to be exempt.

Chapter 24: Surrender and disposal of firearms and ammunition

24.1 This chapter offers definitions of both surrender and disposal, and provides general advice to police forces on how to deal with firearms and ammunition that are handed over to them. It then goes on to look at how to handle the receipt of antiques and firearms of particular historic interest.

Definitions

24.2 No obstacle should be placed in the way of a person who wants to surrender firearms or ammunition to the police. Surrender might suggest illegal possession although this may not always be the case. Persons anxious to dispose of firearms and ammunition should be allowed to hand them in at a police station. Disposal might suggest unwanted/unusable firearms held on certificate although it is lawful to dispose of these through a registered firearms dealer (RFD) and owners should be encouraged to take this course to save police resources and realise the value of their items, particularly if they are of an historic or heritage nature. Firearms should either be disposed of through the police, or to a RFD. The police should ensure that recovered firearms and other ballistic items are assessed against the NaBIS submission criteria and submitted to one of the NABIS hubs located in Manchester and Birmingham, or affiliated hubs in London and Glasgow.

General advice on receipt of firearms or ammunition

24.3 Where any firearm is handed to the police, the first priority is to ensure that it is safe. At no time should the gun be pointed in a direction where it might cause death, injury or damage if it were to discharge. All firearms should be made safe by officers or staff qualified and experienced in the handling of firearms. Whatever the individual circumstances, a receipt should be given and the occurrence recorded as "voluntary surrender of firearms and/ or ammunition". Subject to paragraph 24.6 below, a disclaimer should be signed if at all possible to facilitate lawful disposal.

24.4 Undue pressure should not be used to force a potentially financially and historically valuable item to be destroyed and care should be taken to ensure that the wishes of the person handing over the items are fully understood (see paragraphs below). Where guns are taken into the care of the police but remain the property of a certificate or permit holder, it is important that they are so stored that no damage can be caused to them and they are not destroyed without the consent of the owner. In such case, accurate records must be kept with regard to their safe-keeping.

24.5 Different considerations must necessarily apply to those cases when a person wishes to surrender a weapon in respect of which they do not have any lawful authority to possess. It is often the case that weapons may be held by people in ignorance of their illegality; they may be kept in homes where they have been overlooked or forgotten; or may have come into possession of their present owners through the death of relatives. It should be borne in mind that the estate of a

deceased person retains title to any surrendered firearms and they should be disposed of in accordance with the instructions of the estate. Unless expressly authorised they should not be destroyed by the police.

24.6 Anyone surrendering an illegally held firearm should be questioned discreetly with a view to establishing its history but, unless circumstances exist to give serious cause for concern as to its provenance (for example, if it appears to have been stolen), the person handing it in should not be pressed. The emphasis should be on creating an environment in which people are encouraged to hand in illegally held firearms.

24.7 Where it appears, for example, that a person who has inherited a firearm or shotgun wishes to retain it lawfully as a certificate holder or to arrange for its sale/auction, it would be appropriate to issue them with a permit under section 7 of the 1968 Act in order to legitimise their position (see Chapter 14). This is also the case where the person holding the firearm is the executor to the will of the deceased or where an application for a shotgun or firearm certificate is being made. In some cases once NABIS investigations have been completed the firearm/ammunition may be transferred to an RFD designated by the person surrendering the item(s).

24.8 In any instance, however, when it is believed that a serious offence involving a surrendered gun has been committed, the surrender, find or recovery should be entered onto the NaBIS database and the requisite police procedures should be followed. Any decision to prosecute will be a matter for the discretion of the chief officer of police and the Crown Prosecution Service or Procurators Fiscal.

Firearms surrendered by RFDs or auction houses

24.9 Police forces are not obliged to accept firearms surrendered by registered firearms dealers who hold those firearms legally, in circumstances where the RFD has alternative available options for selling or disposing of the firearms. Firearms legislation does not expressly oblige the police to be responsible for disposing of firearms which are surrendered by RFDs or auction houses, nor does it oblige the police to cover the associated costs. In these circumstances, police force areas have discretion.

Antiques

24.10 If any firearm is handed in to which section 58(2) of the 1968 Act appears to apply (that is, it appears to be an antique), it should not be refused by the police, but the person wishing to dispose of it should be informed of its status as an antique under the firearms legislation and be allowed to keep it if they wish. Section 58(2) applies to antique firearms only when they are possessed etc as a curiosity or ornament. It will be open to that person to consider retaining the antique firearm or obtaining an estimate of its value and disposing of it possibly through the trade or to a museum or reputable collection. If any antique firearm is retained, the chief officer of police should offer it to a museum, for sale via auction or to a recognised collector organisation in order to ensure the preservation of historic assets which do not pose any threat to public safety.

Firearms of particular interest

24.11 Similarly, if a firearm is handed in by a firearm or shotgun certificate holder, which appears to be a historic asset or of particular interest and worthy of preservation, even though it is not an antique, it should be confirmed that the person wishing to dispose of it is aware of this possibility in case they wish to consider an alternative method of disposal. They may, for example, prefer to dispose of the firearm through a dealer, or agree to hand it over to a reputable collection. If the owner, having considered these alternatives, decides to hand it in to the police, the chief officer of police should consider offering the firearm to a museum or recognised collectors group. If it appears that a firearm may be of value, then the owner should be advised of this, and sufficient opportunity should be afforded to allow them to have the firearm properly valued and disposed of through a dealer (it may be appropriate to issue a section 7 permit in such circumstances).

24.12 Occasionally, handguns covered by section 5(1)(aba) of the 1968 Act will turn up in deceased effects, possibly legally held under the exemptions provided by the 1997 Act. At other times they may have been illegally held. Either way, the police should immediately take the guns into their care, with legally held items being transferred to a section 5 registered firearms dealer or other authorised recipient. It should be borne in mind that the estate of a deceased person retains title to any surrendered firearms and they should be disposed of in accordance with the instructions of the estate. Unless expressly authorised they should not be destroyed by the police.

24.13 Many museums, the Ministry of Defence, the providers of forensic science services and NaBIS have an interest in certain types of firearms, for example, for court demonstration purposes, and chief officers of police should co-operate, in cases where no owner exists or can be traced, by not destroying a firearm of an unusual type until the staff of these authorities have had an opportunity to examine it. They will make arrangements direct with police forces to inspect firearms and those of interest may be handed over to an official against receipt.

24.14 Ammunition and its packaging may also be of interest to museums and collectors. It should therefore be inspected by independent experts from trade and museums in order to establish its heritage significance, interest and value. If it is of heritage significance, interest or value then it should be passed to museums or to the trade so that those entitled to the value can receive it.

24.15 Other firearms related objects handed to the police e.g. loading equipment should also be independently assessed since they may have commercial value as well as being of historic interest. If this is apparent at the time of surrender then they should be handed back and the person surrendering the objects advised to take them to a suitable dealer. This would not apply to component parts which are subject to certification.

24.16 All other firearms and ammunition not retained for police purposes should be recorded and destroyed. The destruction should be witnessed by more than one officer, and the records of destruction should be kept for a minimum of ten years.

Chapter 25: Northern Ireland

25.1 Section 60(3) of the 1968 Act provides that the Act shall not extend to Northern Ireland, where the possession of firearms is subject to separate legislation (see the Firearms (Northern Ireland) Order 2004 (No. 702) (N.I.3)). This chapter provides some information about the differences and similarities between firearms controls in Northern Ireland and Great Britain. It also offers more detailed information about the movement of firearms and ammunition from England, Wales and Scotland to Northern Ireland.

General

25.2 In Northern Ireland, unlike in England and Wales, all firearms, including shotguns, air guns (except those with a kinetic energy of one joule or less, as stated in Schedule 1, paragraph 9 of the 2004 Order) and deactivated firearms (unless they are deactivated to the 1995 Home Office standard, as updated in 2010 – see paragraph 2.15) are subject to firearm certificate control and it is illegal for any person under the age of eighteen to be in possession of a firearm. In certain circumstances sixteen to eighteen year olds are permitted to possess stipulated types of firearms and ammunition for particular purposes. These particular provisions are stated within article 7 of the 2004 Order.

25.3 The provisions of the Northern Ireland Protocol mean that Council Regulation (EU) 258/2012 and Council Directive (2021/555), and all other council directives, continue to apply in Northern Ireland.

Firearm Certificates

25.4 The definition of “firearm certificate” in section 57(4) of the 1968 Act specifically includes a firearm certificate granted in Northern Ireland. A firearm certificate issued in Northern Ireland is thus valid in Great Britain and, if the holder of such a certificate takes up residence in Great Britain, the certificate may be varied or revoked and the conditions subject to which it is held may be varied as if it were a certificate granted in Great Britain.

25.5 Section 15 of the 1968 Act provides that a person holding a firearm certificate issued in Northern Ireland authorising them to possess a shotgun is exempt from the provision in section 2(1) of the 1968 Act which makes it an offence to possess, purchase or acquire a shotgun without a certificate.

25.6 The period of validity of a firearm certificate issued in Northern Ireland is five years, the same as elsewhere in the United Kingdom. The proviso in section 28A(2) of the 1968 Act provides that, subject to the power of a chief officer of police in Great Britain to renew for a period of five years, a certificate granted in Northern Ireland shall not continue in force for a longer period than that for which it was so granted. On expiry the holder should apply for a certificate to be granted by the chief officer of police in the area where they reside.

Registered firearms dealers

25.7 The definition in section 57(4) of the 1968 Act of a registered firearms dealer also covers the holder of a firearms dealer's certificate in Northern Ireland. The provisions as to firearms dealers in sections 3(1) to (5), 4(2) to (4), 8(1) and (2), and 45 of the 1968 Act and sections 6, 7(3), 13 and 18(2) to (5) of the Firearms (Amendment) Act 1988 apply to persons holding firearms dealers' certificates in Northern Ireland. Section 34(1) of the 1968 Act prohibits the registration in Great Britain of a person who has been prohibited from being granted a certificate by order of a court in Northern Ireland. Article 2 of the Firearms (Northern Ireland) Order 2004 (NI 3) provides that, "holder of a firearms dealer's certificate" includes a person registered under section 33 of the Firearms Act 1968 (c. 27)". Accordingly, a person registered as a dealer in Great Britain may trade in or with Northern Ireland.

Sale, repair, test, proof, hire, gift or loan

25.8 It should be noted that the prohibitions in section 3(2) and 3(3) of the 1968 Act apply to persons within the United Kingdom, and therefore include Northern Ireland. Section 35 of the 1997 Act with regard to sales etc. of firearms and ammunition not only applies to transactions with persons in Great Britain but also to transactions with persons in Northern Ireland. However, the additional requirements of sections 32, 33 and 34 of the 1997 Act, which specifically requires that transfers take place in person, are limited to Great Britain.

Taking firearms from Great Britain to Northern Ireland

25.9 The holder of either a firearm or shotgun certificate granted in England, Wales or Scotland may, subject to any applicable conditions, have in his possession in Northern Ireland the related firearm to which the certificate relates (see article 17 of the 2004 Order).

25.10 A person who resides in Great Britain may, without holding a firearm certificate, have in his possession in Northern Ireland an air gun, with a kinetic energy in excess of one joule, provided he holds a certificate of approval from the Chief Constable (see article 18 of the 2004 Order). Certificate of Approval application forms are obtainable from the Head of Branch FEB on behalf of the Chief Constable, Police Service of Northern Ireland, Firearms and Explosives Branch, Lisnasharragh, 42 Montgomery Road, Belfast BT6 9LD (028 9065 0222). E-mail: firearms@psni.police.uk. Application Form 30/15 for a Certificate of Approval is available to download here: Firearms and Explosives Branch | PSNI. Applications must be made not less than one month before the proposed date of arrival in Northern Ireland. No fee is payable for a Certificate of Approval.

25.11 The documents required and the procedures to be followed in cases of firearms (including air guns) taken into Northern Ireland by persons resident in Great Britain are set out in Appendix 7.

25.12 The Firearms (Removal to Northern Ireland) (Revocation) Order 2003 (SI 2003/3228), which came into force on 1 January 2004, revoked the Firearms (Removal to Northern Ireland) Order 1990 (SI 1990/2621) and ended the system of prior approvals for section 1 firearms and ammunition.

Chapter 26: Visitors' Permit Procedures

26.1 This chapter sets out the legislative authority for the issue of visitors' permits, and provides guidance to chief officers of police on the requirements that need to be met for an application to be successful. It also sets out the conditions that can be added to permits, how they might be varied and the controls on visitor shotgun permit holders buying shotguns.

Legislative provisions

26.2 Under section 17 of the Firearms (Amendment) Act 1988, visitors to Great Britain may, if they are granted the appropriate permit, have in their possession firearms, shotguns or ammunition without holding a certificate. Specifically, they may have:

(a) a visitor's firearm permit which allows them to have in their possession any firearm, and purchase, acquire or have in their possession any ammunition, to which section 1 of the 1968 Act applies;

(b) a visitor's shotgun permit which allows them to have in their possession, purchase or acquire shotguns (subject to the restrictions on purchase and acquisition of shotguns with a magazine (see paragraphs 26.21 to 26.25 below)). By virtue of section 5(2)(b) of the 1988 Act, they are exempt from the requirement to produce a shotgun certificate when purchasing ammunition.

26.3 A visitors' shotgun permit is valid for use throughout Great Britain for a period of up to 12 months, and a visitors' firearm permit is also similarly valid subject to any territorial condition as to where the firearm may be used (a separate permit for each force area is not required in either case). While it is expected that the permit should only be valid for the duration of the particular visit, there might be circumstances where the police feel able to issue a pass for a longer period (and this need not be for the full 12 months). A decision will need to be taken to reflect the circumstances of each application, taking account of evidence of planned, future visits and the visitor's history and character, perhaps on previous shooting trips to this country.

Application

26.4 Applications for a visitors' firearm or shotgun permit will be made by a sponsor to the chief officer of police for the area in which the sponsor resides on the prescribed form of application (Form 107).

26.5 The sponsor may be:

(a) a private individual; or

(b) the representative of, for example, a club, shooting syndicate, country estate or national shooting organisation.

26.6 Where the sponsor is a private individual or represents a local shooting organisation, the usual checks should be made as to their bona fides in the same

way as for a certificate applicant. Although in most cases private sponsors will themselves be firearm or shotgun certificate holders, this need not necessarily be the case. Particular attention will need to be paid to security arrangements.

26.7 Section 17(7) of the Firearms (Amendment) Act 1988 provides for a group application to be made for up to twenty permits for persons specified in the application. In addition to fulfilling the criteria outlined in paragraphs 26.9 and 26.10, the chief officer of police must be satisfied that the persons specified in such an application are genuinely part of a group who propose to use the firearms in question either for sporting purposes on the same private premises during the same period, or to participate in the same competition or event, or series of competitions or events. Where six or more permits are issued on the basis of a group application, a reduced fee is payable.

Consideration of application

26.8 The criteria for the grant of a visitors' permit are set out in sections 17(2) and (3) of the Firearms (Amendment) Act 1988.

26.9 Chief officers of police must not grant a permit to any person in respect of whom they have reason to believe:

(a) that their possession of the weapons or ammunition in question would represent a danger to the public safety or to the peace; or

(b) that they are prohibited by the 1968 Act from possessing them (for example, a person to whom section 21 of the 1968 Act applies). Convictions outside of the UK do not count towards this statutory prohibition but will be relevant to (a).

26.10 If the grant of a permit is not precluded on the above grounds, chief officers of police must satisfy themselves that:

(a) the applicant is visiting or intends to visit Great Britain; and either

(b) in the case of a visitor's firearm permit, the applicant has a good reason for having each firearm and the ammunition to which the permit relates in their possession, or, as respects ammunition, for purchasing or acquiring it, while they are a visitor to Great Britain; or

(c) in the case of a visitor's shotgun permit, that the applicant has a good reason for having each shotgun to which the permit relates in their possession, or for purchasing or acquiring it, while they are a visitor to Great Britain (and where the applicant wishes to purchase or acquire a shotgun with a magazine, that they satisfy the criteria listed at paragraphs 26.21 to 26.25 below). A shotgun with a magazine means a shotgun which has a non-detachable magazine incapable of holding more than two shots, in accordance with section 1(3)(a) of the 1968 Act (as amended).

26.11 The information required to reach a decision on an application will be supplied by the sponsor, to whom all enquiries should be directed. Generally, it will be neither practicable nor appropriate to make detailed enquiries into a visitor's fitness to hold a firearm. It will normally be sufficient to see a copy of any current firearm

certificate, hunting licence or membership card of a shooting organisation issued to an applicant in their own country. Police forces may consider accepting a European Firearms Pass in support of applications from EU citizens. The verification by the sponsor of the event, if any, to be attended will normally enable the chief officer of police to be satisfied as to the applicant's good reason.

26.12 Applicants who wish to purchase a shotgun should similarly be able to provide a good reason for the purchase or acquisition of each gun, for example evidence of the event or events at which it is to be used. Application to purchase a shotgun should be made on the original application for a permit, using the space provided on the form. Applicants who wish to purchase a shotgun but who do not intend to use it in Great Britain should be directed to take advantage of section 18 of the Firearms (Amendment) Act 1988. This provision allows persons to purchase a firearm from a registered firearms dealer if that person has not been in Great Britain for more than 30 days in total in the preceding 12 months and the firearm is purchased for the purpose only of being exported without first coming into that person's possession. If a person wishes to purchase a shotgun and take it with them from Great Britain they will need to obtain a visitor's shotgun permit.

Permit conditions

26.13 Under section 17(4) of the Firearms (Amendment) Act 1988 the chief officer of police has the power to attach conditions to a visitors' permit. Under section 17(5), the chief officer has the power to vary, by a notice in writing, any condition of the permit. However, there is no power to impose or vary a condition so as to restrict the premises where a shotgun may be used.

26.14 In considering what sort of conditions should be attached, it is necessary to have regard to both the purpose and the proposed duration of the visit. Chief officers of police will want to consider the following:

(a) It is recommended that all permits should contain conditions (i) to (v) set out in Appendix 8. However, it is important that all cases are considered on their merits with additional conditions added as appropriate (see below). A permit may be valid for up to 12 months, but the validity should normally relate to the duration of the proposed visit (but see paragraph 26.3);

(b) Where an applicant for a visitor's firearm permit is coming to shoot in a particular competition or event, the permit should normally make reference to the specific competition(s) or event(s) in respect of which it has been granted as in condition (vi). Where, however, the permit is sought for other sporting purposes such as deerstalking, game shooting or wild fowling, the type of condition will necessarily be dependent upon the locations specified by the sponsor in the application;

(c) Where the permit is required for one or more specified locations (these may in some cases be in other force areas) condition (vii) in Appendix 8 would be appropriate;

(d) Where the circumstances of the application merit a more open approach, condition (viii) should be imposed;

(e) Where a visitor also wishes to purchase a shotgun or shotguns for shooting in Great Britain, condition (ix) should be imposed to require the permit holder to notify details of purchase to the police and to enter the details of each such shotgun in the appropriate part of the permit.

26.15 A visitors' firearm permit must specify the number and description of the firearms to which it relates, including their identification numbers, and give details of the quantities of ammunition authorised to be purchased or acquired, and to be held at any one time. A visitors' shotgun permit must specify the number and description of the shotguns to which it relates, including, if known, their identification numbers. It should be established at time of application whether a sound moderator is to be included as an accessory to any firearm to be imported. If this is the case then all sound moderators should be specified on the permit.

Variation of conditions

26.16 Section 17(5) of the Firearms (Amendment) Act 1988 empowers the chief officer of police to vary the conditions attached to a permit. A request for variation, which must be made on a new application form, will most usually occur where a visitor has subsequently been invited to participate in some other competition or event. In such circumstances a variation may normally be granted on confirmation of the event to be attended, provided that there has been no material change in the applicant's circumstances and that they still qualify under paragraphs 26.9 and 26.10 above. If the event is to take place after the expiry date of the existing permit, it will be necessary for a fresh application for a new permit to be made.

Processing late applications

26.17 Applications should be made at least six weeks prior to arrival in the UK. Inevitably, some applications will be made close to the date on which the applicant wishes to come to this country, for example because of illness, a change in family or business circumstances or as a late addition or change to a group application. In such cases, while it cannot be guaranteed that all applications will be processed in time, every effort should be made to try and achieve this. Similarly, it may be necessary to issue amended permits at short notice to cater for unavoidable last-minute changes to guns (for example because of breakage) which visitors are authorised to bring with them (see also paragraph 26.16).

Notification of refusal

26.18 There is no right of appeal against a refusal to grant a visitors' permit. Notification of refusal, giving the reasons for the decision, should be sent by letter to the sponsor. Where a refusal is issued it is particularly important that notification should be sent in good time, in order to avoid the applicant incurring unnecessary travel costs.

Dispatch of permits

26.19 The completed permit should be sent to the sponsor who will forward it to the visitor in their country of origin for presentation to the Border Force on arrival in this country. The visitors' permit will be accepted in lieu of an import licence issued by the Department for International Trade (DIT). A visitor must carry their permit with them on leaving the country for presentation to the Border Force at the point of departure. An export licence would only be required for onward destinations not covered by the firearms personal effects exception in the Export of Goods (Control) Order (EG(C)O), that is those countries subject to arms embargoes. In some cases, the permit will be valid for further visits.

Diplomats and royal visitors

26.20 Members of the Diplomatic Corps in London are not visitors and the normal considerations for the grant of a firearm or shotgun certificate apply (see also Chapter 10). Visiting diplomats and foreign dignitaries are, however, eligible for the grant of visitors' permits subject to the normal requirements of section 17 of the Firearms (Amendment) Act 1988 being met.

Controls on visitors' permit holders buying shotguns in Great Britain

26.21 Section 17(1A) of the 1988 Act contains restrictions on the purchase and acquisition of certain shotguns by the holder of a visitor's shotgun permit. The restrictions only apply to transactions involving shotguns with a magazine. Single-shot shotguns are not subject to these restrictions. A single-shot shotgun means any shotgun which can fire only one shot from each barrel without reloading. Single-barrelled single-shot shotguns, double-barrelled shotguns and multi-barrelled shotguns which have no magazine fall within this definition.

26.22 The purpose of this provision is to ensure that no visitor can purchase or acquire a shotgun with a magazine in Great Britain without holding a licence granted by DBT to remove the gun from Great Britain.

26.23 A visitors' shotgun permit shall not authorise the purchase or acquisition of a shotgun with a magazine unless one of the following requirements are met, namely that:

(a) the permit holder has a licence issued by DBT to export the gun from Great Britain;

(b) the gun will be exported from Great Britain; or

(c) the terms of acquisition restrict the permit holder's possession of the gun to the whole or part of their stay in Great Britain and prevent its removal from Great Britain.

26.24 The onus is on permit holders to show vendors or transferors that they satisfy one of the above requirements. If none of the requirements are met, and the transaction takes place, permit holders will be committing an offence under section 2 of the 1968 Act and the vendors or transferors an offence under section 3(2) of that Act.

26.25 Any transaction with a permit holder in respect of which sub-paragraph (a) or (b) above applies, must be notified to the chief officer of police who issued the visitors' shotgun permit. The notice of transaction must be sent within 48 hours of the transaction by recorded or special delivery and must contain a description of the shotgun (including the identification number if any). It must also state the nature of the transaction (giving the permit holder's name and address in their country of residence and the number and place of issue of their passport if any) and the particulars of any licence issued by DBT authorising the removal of the shotgun from Great Britain.

Chapter 27: Import and export of firearms and ammunition

27.1 This chapter provides information about import and export licensing requirements for firearms and ammunition. The Department for Business and Trade (DBT) is responsible for these arrangements. Their contact details for enquiries are:

Imports
Import Licensing Branch (ILB)
DBT
email: enquiries.ilb@trade.gov.uk
Import controls - gov.uk (www.gov.uk)

Exports
Export Control Joint Unit (ECJU)
DBT
Old Admiralty Building
Whitehall
London SW1A 2BL
Tel: 020 7215 4594
email: exportcontrol.help@trade.gov.uk
Export Control Joint Unit - gov.uk (www.gov.uk)

Great Britain (GB) imports from the Rest of the World, and Northern Ireland (NI) imports from non-EU nations

27.2 The following items are subject to DBT import licensing requirements:

(i) lethal firearms, including any lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged and other weapons of whatever description designed or adapted for the discharge of any noxious liquid, gas or other thing;

(ii) deactivated firearms, see paragraphs 27.19 to 27.21;

(iii) component parts (other than wooden gun stocks) of any such firearms or other weapons and any accessory to any such firearm or other weapon designed or adapted to diminish the noise or flash caused by firing the weapon;

(iv) ammunition including grenades, bombs, and other like missiles, and any ammunition containing or designed or adapted to contain any noxious liquid, gas or other thing;

(v) any device (commonly known as a bump stock) which is designed or adapted so that: (i) it is capable of forming part of or being added to a self-loading lethal

barrelled weapon (as defined in section 57(1B) and (2A) of the 1968 Act), and (ii) if it forms part of or is added to such a weapon, it increases the rate of fire of the weapon by using the recoil from the weapon to generate repeated pressure on the trigger.

27.3 The above include firearms which are serviceable and those which are not, replica firearms capable of being fired or which can be readily converted so that they are capable of being fired, gas pistols, aerosol gas sprays and similar weapons.

27.4 Normally, an import licence is not required to import the following but from time to time such goods may be subject to licensing control:

(i) cartridges for smooth-bore guns containing five or more shot, none of which exceeds 0.36 inch (9 mm) in diameter;

(ii) blank cartridges not exceeding one inch (25.4 mm) in diameter;

(iii) air weapons or weapons powered by compressed carbon dioxide not declared to be “specially dangerous” under the Firearms (Dangerous Air Weapons) Rules 1969;

(iv) ammunition for air guns, air rifles or air pistols;

(v) articles manufactured in 1899 or earlier;

(vi) any item not classified to chapters 93 or 97 of the HM Revenue and Customs Integrated Tariff, including vehicles, ships and aircraft incorporating a firearm.

(vii) any component of ammunition.

27.5 It should be noted that (iii) and (iv) are not exempt from licensing if imported into Northern Ireland. Moreover, although articles at (v) do not require an import licence, Section 58 of the Firearms Act 1968 and the Antique Firearms Regulations 2021 define whether a firearm should be regarded as “antique” for the purpose of firearms legislation.

27.6 Commercial imports of firearms, component parts and ammunition require an individual import licence if manufactured on or after 31 December 1899. Applications for import licences should be made on the ICMS system.

27.7 As a concession for personal non-commercial import of privately owned firearms, shotguns and ammunition the following documents are accepted by HM Border Force in lieu of import licences:

(i) valid United Kingdom firearm or shotgun certificates;

(ii) visitors’ firearm or shotgun permits.

27.8 The firearms, shotguns or ammunition must be freely declared to Border Force upon importation. Firearms made on or after 1st January 1900 may only be imported with a DBT import licence or, for personal imports, a valid firearm or shotgun certificate or a visitors’ firearm or shotgun permit.

27.9 The requirement for a DBT import licence for any firearm made on or after 1 January 1900, also applies to firearms that are considered to be antique, as defined by Section 58 of the Firearms Act 1968 and the Antique Firearms Regulations 2021.

Any firearm made on or before 31 December 1899 is considered exempt from import controls and does not require an import licence to import it into the United Kingdom. There is, however, still a requirement for the holder to be in possession of a valid shotgun or firearm certificate in order to possess the firearm where the possession of such a certificate is necessary.

27.10 Information on the importation of explosives can be obtained from DBT and from the Health and Safety Executive: Transfer of explosives - HSE.

Firearms Marking Requirements

27.11 The UK's Open General Import Licence (OGIL) sets out the UK's firearms marking requirements. They apply to commercial and non-commercial imports.

27.12 Firearms, including any relevant (essential) component parts (whether part of a firearm or not), imported into the UK must have markings which are clear, permanent and visible. Firearms and relevant component parts (barrel, frame, receiver (including upper and lower receivers), slide, cylinder, bolt or breech block manufactured on or after 1 January 1900 must be marked with:

- Name of manufacturer or brand;
- Country or place of manufacture;
- Serial number;
- Year of manufacture (if not part of the serial number); and
- Model, where feasible.

27.13 Ammunition packaging (not each bullet) must be marked with:

- name of manufacturer,
- batch number,
- calibre,
- type of ammunition.

27.14 The font size to be used in the marking should be at least 1,6 mm. Where required, a smaller font size may be used for the marking of relevant component parts that are too small to be marked in compliance with the requirements set out in the OGIL.

27.15 For frames or receivers made from a non-metallic material, the marking should be applied to a metal plate that is permanently embedded in the material of the frame or receiver in such a way that the plate cannot be easily or readily removed; and removing the plate would destroy a portion of the frame or receiver. Other techniques for marking such frames or receivers are permitted, provided that importers can demonstrate that those techniques ensure an equivalent level of clarity and permanence for the marking.

27.16 The alphabet used on marked imported firearms or relevant component parts shall be Latin, Cyrillic or Greek and the numeral system used in the marking shall be Arabic or Roman.

27.17 If a firearm is not marked as above, importers will have 28 days after import to comply with the marking requirement. If the item is being imported for deactivation, you have three months to either comply or have the item deactivated. Only the Latin alphabet and the Arabic numeral system can be used when marking in the UK. Failure to comply with the marking requirements is a customs offence. In the meantime, you are advised to mark using methods currently accepted by the UK Proof Houses.

27.18 The following are exempt from the additional marking requirements set out in the OGIL:

- Firearms imported for the use of the UK military or police.
- Firearms of "historical" importance which in the UK will be all firearms manufactured before 1 September 1939 regardless of where imported from.
- Air weapons (that is to say, air guns, air rifles or air pistols including air weapons designed for use only when submerged in water and, in the case of Great Britain, air weapons powered by compressed carbon dioxide) and ammunition for air weapons.

Deactivated Firearms

27.19 An import licence is required for the import into the UK of a deactivated firearm. There is an exemption from the need for an import licence for deactivated firearms manufactured on or before 31 December 1899. An import licence will be required for each shipment. The only acceptable proof that a firearm is deactivated is a UK Deactivation Certificate. No other Deactivation Certificate will be accepted.

27.20 Re-enactors will be able to apply for a three year import licence provided you have a UK Certificate of deactivation which confirms deactivation to current standards and are a member of a re-enactment society when you attend the overseas re-enactment event.

27.21 Applications for deactivated firearms import licences can be made to DBT online. Guidance on registering and applying can be found on the front screen. If you are in any doubt or require further clarification on the need for an import licence, please email us at enquiries.ilb@trade.gov.uk.

Northern Ireland Protocol

27.22 The provisions of the Northern Ireland Protocol mean that Council Regulation (EU) 258/2012 and Council Directive (2021/555), and all other council directives, continue to apply in Northern Ireland.

Exports from Great Britain to the Rest of the World, and from Northern Ireland to non-EU countries

27.23 Firearms, shotguns, component parts for firearms or shotguns, and ammunition are subject to export control and in general require a licence for export to any destination.

27.24 Export licences are not usually required in the following circumstance. Holders of valid firearm or shotgun certificates or visitors' firearm or shotgun permits may take abroad with them, or have sent, as part of their personal effects, without an export licence, any firearms, shotguns or related ammunition entered on the certificates if the certificates are presented by the holder, or their duly authorised agent, with the firearms and ammunition to the officer of the Border Force at the place of exportation. The exception also includes telescopic sights.

27.25 From time to time this exemption will not apply to firearms consigned to certain destinations. Further details on the UK export control licensing system, including guidance on the export of firearms, may be obtained from the gov.uk website prior to export.

27.26 Apply for a standard individual export licence (SIEL) through the Department for Business and Trade (DBT). Applications must be accompanied by the applicant's firearm or shotgun certificate or, in the case of a registered firearms dealer, a copy of the dealer's certificate or section 5 authority only if appropriate.

Chapter 28: Authorisation of armed guards on UK registered ships

Policy

- The policy to allow the use of armed guards applies only in exceptional circumstances:
  - to ships transiting the area at risk of attack by pirates within the former High Risk Area (HRA) which is bounded: in the Red Sea: northern limit: Latitude 15°N; in the Gulf of Oman: Northern limit: Latitude 22°N; Eastern limit: Longitude 065°E; Southern limit: Latitude 5°S;
  - when 'Best Management Practices' to deter piracy is being followed fully but, on its own, is not deemed by the shipping company and the ship's master as sufficient to protect against acts of piracy; AND
  - the use of armed guards is assessed to reduce the risk to the lives and wellbeing of those on board the ship.
- The policy applies to internationally trading passenger ships and cargo ships of 500 gross tonnage and above. The policy only applies in relation to the protection of UK registered ships.
- The assurance process for the authorisation of private maritime security companies is to ensure that as far as possible public safety is not endangered by the use of armed guards.
- **Private Maritime Security Companies (PMSCs)** wishing to employ armed guards on board UK registered ships in these exceptional circumstances must be authorised to possess a range of firearms (which may include section 1 and section 2 weapons), including those requiring an authority from the Secretary of State for the Home Department under section 5 of the 1968 Act, and be able to deploy them as necessary. All PMSCs wishing to employ armed guards on UK registered ships must receive clearance via the Home Office section 5 authorisation process.
- It is an offence for a person to have in his possession, purchase, acquire, manufacture, sell or transfer, or possess, purchase or acquire for sale or transfer, a weapon prohibited under section 5 of the 1968 Act without the authority of the Secretary of State. It is also an offence not to comply with any condition of the authority.

Section 5 application: evidence

28.1 PMSCs should apply to the Home Office for section 5 authorisation to enable their armed guards to possess firearms on UK registered ships. **In support of their application they must produce a provisional contract or letter of intent with a shipping company intending to use their services.** The PMSC may also provide evidence in support of the application such as information about transits over the previous 12 months. In selecting a PMSC the shipping company must have conducted a piracy risk assessment and satisfied itself that the PMSC and its personnel are reputable and suitably qualified, based on the Guidance issued by the Department for Transport. The PMSC must also ensure it is satisfied that the

guards it employs are suitable and properly trained, in accordance with the Department for Transport guidance.

28.2 The shipping company is also required to submit its counter-piracy plan, which should follow the structure of Annex 1 in the DfT guidance, to the Department for Transport, including a signed statement that the Guidance has been followed.

Armed guards: suitability

28.3 As a general rule, having regard to the provisions of the Firearms Act 1968 and to the potential risks of harm that exist in the armed counter-piracy maritime environment, individuals who have any previous convictions or cautions for violence, disorder or other serious criminality will not be considered as suitable to receive Home Office clearance. There may also be circumstances where other police information or locally held police records on individuals may call into doubt the applicant's suitability to undertake armed maritime security work. Each case will be considered on its merits.

Armed guards: numbers

28.4 The number of armed guards included in the application to be approved must be consistent with the evidence provided in support of the application and in any event should not exceed 30 guards in the initial application. Applications that have been submitted without sufficient justification for the number of guards included in the application are likely to be delayed and may be refused. Only those guards who will be employed on a UK registered ship will be considered[2].

28.5 A PMSC may submit an application for clearance for additional guards at any time, but the number of guards requested to be cleared on each occasion must not exceed 30. If a PMSC wishes to request clearance for additional guards following issue of a section 5 authority, evidence must be provided to show that the guards will be employed on a UK registered ship and that the additional guards are necessary. The number of guards to be checked must be kept to the minimum necessary to service the PMSC's contract in order to prevent delay in processing of the section 5 application.

Armed guards: duration of clearance

28.6 Following the grant of a section 5 authority, when a PMSC wishes to submit further guards for clearance they should be aware of the following: guards are servants of the PMSC and their clearances are linked to the expiry date of the company's section 5 authority. Therefore, when the PMSC's section 5 authority expires, most guards will also need to have their clearances renewed at that time. However, guards whose clearances were carried out four months or less before the PMSC's authority is due to expire do not need to have their clearance renewed. In cases where a PMSC has been given a three year authority, guards will need to have their clearances undertaken every 12 months, and the PMSC should submit an application to the Home Office on this basis.

[2] This only applies to guards on UK ships because the Firearms Act 1968 as a whole (and accordingly the section 5 requirement for an authority) applies to UK registered vessels rather than foreign registered vessels.

Armed guards: information to be provided

28.7 The following information should be provided in respect of each armed guard:

- full name (including any previous names)
- date and place of birth
- residential addresses covering the previous five years
- copy of the guard's passport
- and a declaration of consent to checks being carried out.

28.8 A copy of the guard's passport must be provided so that their identity can be verified. To speed up the application process PMSCs may wish to submit an enhanced Disclosure and Barring Service (DBS) certificate for each of the armed guards. PMSCs should not put forward people who, through their own due diligence checks, are not suitable.

Disclosure and Barring Service (DBS)

28.9 The Disclosure and Barring Service will, on payment of the appropriate fee, provide an Enhanced Disclosure for armed guards who are proposed to be deployed as part of a section 5 application. There will be an additional charge for the use of a Registered Body who will check and countersign applications and submit them to the DBS. Supply of DBS certificates is not mandatory, but if the PMSC does not provide DBS certificates then the cost of the checks will fall to the public purse. Although some police checks must still be carried out for each application, supply of a DBS certificate is likely to reduce the time taken to process the application.

28.10 The DBS will issue each applicant with a certificate based on the individual's criminal record, including any relevant local police information. This certificate can be submitted by the PMSC with the application. For the purposes of granting a section 5 authority, the DBS Disclosure should be no more than four months old at the time of application. The DBS has introduced an update service, which allows people (if they choose to subscribe to it and pay a small fee) to apply for a criminal record check to refresh their existing certificate, with employers checking online to see if it is still up to date. This avoids having to go through the full clearance process again.

Armed guards who cease to be employed by the PMSC

28.11 If an armed guard ceases to be employed (including as a sub contractor) by the PMSC once the section 5 authority is in place the Home Office must be informed **immediately**. Failure to do so will be a breach of the conditions of the section 5 authority and such a breach may result in revocation of the authority. If the PMSC wishes to employ new guards during this period they must provide the Home Office with each guard's full details, and this may include a DBS certificate, so that the relevant checks can be carried out. The guard cannot be in possession of firearms until the PMSC is notified by the Home Office that the company's section 5 conditions have been amended accordingly.

Armed guards employed by a second PMSC

28.12 A process has been introduced whereby one PMSC can utilise the services of another PMSC's guards. This has been agreed on the basis that the Home Office is notified by the requesting PMSC, and provided that the guard is authorised by the Home Office and the parent PMSC still retains their services and provides confirmation by email or letter of this fact. Before proceeding, the requesting PMSC must receive confirmation from the Home Office that the arrangement is acceptable. If the requesting PMSC has obtained registered firearms dealer status there is no requirement for each guard to hold a firearm certificate in their own right.

Non-UK PMSCs or armed guards

28.13 PMSCs from other countries, or those wishing to use non-UK guards, may apply for section 5 authorisation only if the guards will be protecting UK vessels. The application process is similar to that for UK nationals. However, for a non-UK PMSC details will be required to show that the company is an accredited company and is registered with, or is a member of, the maritime and defence industry associations in the country of origin. Details will also be required for the company's proposed named authority holder, who will be held accountable for any breaches and for the non-UK guards. A form will be provided, to be completed and returned to the Home Office for forwarding on to the UK Central Authority for the Exchange of Criminal Records checks (UKCA-ECR). If these checks cannot be completed, or the evidence is insufficient to make a decision based on ensuring public safety, then the application is likely to be refused.

Types of firearms: section 1, section 2 and section 5

28.14 The PMSC must provide details of the number and type of section 5 prohibited firearms they wish to possess on board the UK registered ship, and why this number and type of weapon is necessary. All PMSCs must be authorised to possess section 5 firearms.

28.15 Whether they will be in possession of section 1, section 2 or section 5 firearms, all guards must receive Home Office approval before they can be utilised by the PMSC on a UK registered ship. The requirement for each guard to be approved as part of the Home Office section 5 process not only enables a wide range of firearms to be used by the guard, it also forms an important part of the assurance process. The section 5 authorisation process is designed to encompass the appropriate checks for the possession of the most dangerous weapons and is subject to ministerial oversight. This level of authorisation is deemed necessary for armed guards in view of the circumstances in which the firearms are held, which involves greater risk than for those possessing guns for sport or wildlife management in the UK.

PMSCs who wish to register as a firearms dealer (RFD)

28.16 PMSCs may apply to the police to be registered as a firearms dealer, but this will not be approved until the PMSC has received section 5 authorisation from the Home Office. Once a section 5 authorisation has been issued, the police may approve registration as a firearms dealer for the applicant, and may specify that only those guards cleared by the Home Office can possess firearms. PMSCs who have already obtained RFD status and who wish to conduct maritime security operations on board UK registered vessels must proceed to submit their application for a section 5 authority to the Home Office.

28.17 Under section 8 of the Firearms Act 1968 a registered firearms dealer and their servants are exempt from having to hold a firearms certificate in order to possess, purchase or acquire firearms or ammunition. Therefore, once the Home Office has issued the section 5 authority, followed by issue of the RFD by the police, there is no requirement for each armed guard who has been cleared by the Home Office to hold a firearm certificate in their own right, provided that the PMSC they are employed by, or to whom they are acting as a sub-contractor, is a registered firearms dealer.

PMSCs who are not registered firearms dealers (RFDs)

28.18 If a PMSC is not a registered firearms dealer then each of the armed guards will need to apply to their local police for a firearm certificate for the weapons specified in their own right, following issue of the section 5 authority to the PMSC. Given the additional administration involved, it is expected that most PMSCs will wish to become registered firearms dealers.

Section 5 authorisation

28.19 Once the necessary checks have been completed, if the Home Office is satisfied, a section 5 authority will be issued to the PMSC with conditions attached to ensure that the firearms will not endanger the public safety or the peace. It is an offence under section 5(5) of the Firearms Act 1968 to fail to comply with these conditions.

28.20 A section 5 authority is issued initially for one year followed by three years at first renewal, unless there has been a breach of conditions or other public safety concerns.

28.21 PMSCs should submit renewal applications for section 5 authorities, or requests for clearance for guards, at least four months before expiry in order to allow police sufficient time to carry out the necessary checks.

Other issues

28.22 Training: the maritime security industry is well-established with a number of PMSCs currently operating to protect shipping. The policy does not currently extend to authorisation of PMSCs to undertake maritime security training in the UK using live firearms, including training in the use of prohibited weapons. Work is underway to consider options for training standards and requirements in the future.

28.23 Maritime accreditation has been taken forward at an international level by the ISO (International Organisation for Standardisation). ISO/PAS 28007 'Guidelines for Private Maritime Security Companies Providing Privately Contracted Armed Security Personnel on Board Ships' was published in 2012. For the UK, the SCEG (Security in Complex Environments Group), was appointed by the UK Government as its industry partner for regulation and accreditation, and has been working to produce standards for the UK private security industry operating overseas in hazardous environments. The United Kingdom Accreditation Service (UKAS) has accredited Certification Bodies to issue certificates to UK and other PMSCs.

Further information

28.24 Further information on the issue of section 5 authorisations can be obtained from the gov.uk website or from the Home Office. Telephone: 0300 105 0248

For detailed advice on how to apply, please consult the Home Office Guidance for the application for a section 5 authority for prohibited weapons and ammunition.

In England and Wales, applications must be made to the Home Office electronically using the designated application portal.

In Scotland, applications should be made to the Scottish Government:

Firearms Team
Safer Communities Division
St Andrew's House
Edinburg
EH1 3DG

Scottish Government section 5 application form.

email: firearms.enquiries@gov.scot

Telephone: 0131 244 8525

Summary process for maritime security applications

- Shipping company selects the PMSC and draws up a draft contract/letter of intent
- Shipping company submits its counter-piracy plan (CPP) to the Department for Transport, including a signed statement that the Guidance has been followed.
- The Department for Transport will advise the Home Office when a satisfactory CPP is received from the shipping company. Please note that the Home Office will not proceed with the section 5 application until they receive this notification.
- PMSC applies to Home Office for section 5 authority enclosing:
  - provisional contract/letter of intent with shipping company;
  - details of number and type of firearms and why these are required;

  - details of armed guards: full name, date and place of birth, residential addresses for the past five years, copy of passport, DBS certificate and declaration of consent to any additional police checks;
  - if the PMSC has obtained alternative supporting information on the guards, this information can also be included.
- PMSC can apply to local police to register as a firearms dealer (RFD).

Appendix 1: List of firearms forms

Title		Number
*	Application for grant or renewal of firearm or shotgun certificate	201
*	Application to vary a firearm certificate	201v
*	Firearm certificate	202
*	Shotgun certificate	204
*	Application for visitor's firearm/shotgun permit	107
*	Visitor's firearm permit	108
*	Visitor's shotgun permit	110
*	Permit to possess firearms or ammunition (authorised under section 7)	111
*	Permit to possess shotguns (authorised under section 7)	112
*	Auctioneer's Firearm Permit	213
*	Permit to remove from or to a ship, aircraft or aerodrome	115
*	Application for registration as a firearms dealer	116
*	Application for registration of additional place of business	116A
***	Certificate of registration of firearms dealer	117
***	Certificate of registration of additional place of business	118
***	Notice of sale or transfer of firearms and ammunition	119
***	Application to transfer firearms to N Ireland	120
***	Authorisation to transfer firearms to N Ireland	121
***	Authorisation to enter and inspect stock	122
***	Authorisation to inspect gun club premises	123
***	Application for approval of rifle and muzzle-loading pistol clubs	124
**	Police register of firearms dealers	N/A
*	Firearms dealer's register of transactions	N/A

* In the form prescribed, which must be followed
** Also prescribed, but form not available from Stationery office
*** Not prescribed, forms produced by the police

Appendix 2: Conditions for firearm certificates

Forces must ensure that where additional conditions are applied to certificates that they are kept to a minimum and are only applied where they are both proportionate and necessary.

Where the firearm is authorised for more than one purpose, care must be taken to omit the word 'only' in the conditions.

An asterisk conditions specific firearms on a certificate but may be replaced by the phrase, "The firearms and ammunition….." where a single condition applies to all firearms (and ammunition) on the certificate.

1. Quarry Shooting (for vermin, fox or deer)

- The *calibre RIFLE/COMBINATION/SMOOTH-BORE GUN/SOUND MODERATOR and ammunition shall be used for shooting vermin including fox, and ground game/ deer (delete as appropriate) and any other lawful quarry, and for zeroing-practice on ranges, on land deemed suitable by the chief officer of police for the area where the land is situated and over which the holder has lawful authority to shoot.

  (The words underlined may be omitted once the certificate holder has demonstrated competence. There is no set time for this and each case should be considered on its individual merits).

Automatic Condition for Section 1 Shotguns for Clay Pigeon Shooting (once "good reason" for possession has been demonstrated)

- The *calibre SMOOTH-BORE GUN may also be used for CLAY PIGEON SHOOTING.

Condition for Section 1 Rifle which is also to be used overseas

- The *calibre RIFLE and ammunition may also be carried when proceeding to or returning from a port of embarkation.

2. Quarry Shooting – Birds with a Self-Loading Shotgun

- The *calibre SMOOTH-BORE GUN shall be used for SHOOTING BIRDS in accordance with the purpose, terms and conditions of the general licence currently issued by the DEFRA under the provisions of THE WILDLIFE AND COUNTRYSIDE ACT 1981.

3. Quarry Shooting – Roe Deer in Scotland

- The *calibre RIFLE and ammunition/SOUND MODERATOR shall be used for SHOOTING ROE DEER as prescribed under the Deer (Firearms etc.) (Scotland) Order 1985 on land in Scotland, and zeroing on ranges or any land in Great Britain deemed suitable by the chief officer of police for the area where the land is situated and over which the holder has lawful authority to shoot.

  (The words underlined may be omitted once the certificate holder has demonstrated competence. There is no set time for this and each case should be considered on its individual merits).

4. Quarry Shooting – Shot Pistols

- The *calibre SHOT PISTOL shall be used only in connection with SHOOTING VERMIN WITHIN OR AROUND BUILDINGS on land over which the holder has lawful authority to shoot.

5. Overseas Use

- The *calibre RIFLE shall be carried only when proceeding to or returning from a port of embarkation. It shall not be fired in Great Britain.

or

- The *calibre RIFLE and ammunition shall be carried when proceeding to or returning from a port of embarkation and may be zeroed in Great Britain on ranges which are legally and safely constructed and maintained.

6. Humane Killing of Animals

- The *calibre *PISTOL/REVOLVER/RIFLE shall be used (only) in connection with the HUMANE KILLING OF ANIMALS (in their duties with *hunt/association[3]).

- The *calibre *PISTOL/REVOLVER, SOUND MODERATOR and ammunition shall be used (only) in connection with the HUMANE KILLING OF HORSES at * racecourse[3] whilst a member of the ARVS.

[3] Insert name of hunt/association or racecourse.

7. Slaughtering

- The *calibre *SLAUGHTERING INSTRUMENT and ammunition shall be used only for the SLAUGHTER OF ANIMALS. The holder is authorised to hire or borrow an additional slaughtering instrument in the event that the instrument to which this certificate relates is not available for use.

8. Expanding Ammunition for pistols

- The certificate holder may possess, purchase or acquire expanding ammunition, or the missiles for such ammunition, in *calibre authorised by this certificate and for use only in connection with:

  (a) the lawful shooting of deer;
  (b) the shooting of vermin or, in connection with the management of any estate, other wildlife;
  (c) the humane killing of animals;
  (d) the shooting of animals for the protection of other animals or humans.

9. Target Shooting

- The *calibre *RIFLE/MUZZLE-LOADING PISTOL/REVOLVER and ammunition shall be used for target shooting, and only whilst a member of *club[4], on ranges which are legally and safely constructed and maintained.

10. Target Shooting – Club Guns

- The *firearm and ammunition shall be used for target shooting, and only whilst a member of *club[4], and only on ranges suitable for the safe use of that class of firearm and with adequate financial arrangements in place to meet any injury or damage claim.

11. Target Shooting – Shotguns

- The SMOOTH-BORE GUN/SOLID SLUG shall be used for practical target shooting:

  (a) The smoothbore gun(s) to which this certificate relates shall be used for target shooting on land or ranges where the holder has lawful authority to shoot (provided that adequate financial arrangements are in place to meet any injury or damage claim), for disciplines and courses of fire approved by the BWSS or NRA or NTSA or UKPSA.

[4] Insert name of Home Office Approved Shooting Club.

(b) The solid slug ammunition to which this certificate relates shall be used for target shooting on ranges where the holder has lawful authority to shoot provided that adequate financial arrangements are in place to meet any injury or damage claim.

Automatic Condition for Section 1 Shotguns for Clay Pigeon Shooting (once "good reason" for possession has been demonstrated)

- The *calibre SMOOTH-BORE GUN may also be used for CLAY PIGEON SHOOTING.

12. Target Shooting – Miniature Rifle Ranges/Galleries

- The *.22 rim-fire calibre firearms and ammunition shall be used for target shooting in accordance with the exemption in section 11(4) of the Firearms Act 1968 and only at [insert range name and address].

13. Target Shooting – Section 1 Air Rifles

- The *calibre *AIR RIFLE shall be used on ranges which are legally and safely constructed and maintained.

14. Firearms of Historical Importance

"Small firearms" held under section 7(1)

- A firearm identified by an asterisk in Part 1 or Part 2 of the certificate must be possessed, purchased or acquired by the holder of the certificate only for the purpose of its being kept or exhibited as part of a collection. Notwithstanding prescribed condition (4), it is at all times to be kept securely stored at *place[5] unless transportation is authorised by the chief officer of police. Not to be fired.

"Small firearms" held under section 7(3)

- The *calibre *PISTOL/REVOLVER is to be kept and used only at a place as designated by the Secretary of State or the Scottish Ministers in Scotland under section 7(3) of the Firearms (Amendment) Act 1997 namely, *place[5].

15. Collections

- A firearm or ammunition identified by an asterisk in Part 1 or Part 2 of the certificate must be possessed, purchased or acquired by the holder of the certificate only for the purpose of its being kept or exhibited as part of a collection.

- Not to be fired.

or

- The *calibre *firearm and ammunition may be used for target shooting, on ranges which are legally and safely constructed and maintained.

[5] Insert place of storage.

16. Trophies of War

- The *calibre *RIFLE/PISTOL/REVOLVER shall be possessed only as a TROPHY OF WAR. Not to be fired.

17. Signalling Apparatus

- The *calibre *PISTOL/LAUNCHER shall be used only for EMERGENCY SIGNALLING/ BIRDSCARING purposes.

18. Controlling Races

- The *calibre *PISTOL/REVOLVER shall be used only in connection with CONTROLLING RACES at athletics meetings. The holder of this certificate shall recover the firearm(s) each day on which the firearm(s) is/are being used by persons controlling the races.
- The *calibre *CANNON shall be used only for CONTROLLING RACES.

19. Historical Re-enactment

- The *calibre *CANNON/RIFLE/PISTOL/REVOLVER shall be used only WITH BLANK CHARGES OR BLANK AMMUNITION in connection with displays, battle re-enactments and demonstrations under the supervision of appointed officers of the * society[6].

20. Theatrical Use

- The *calibre *firearm shall be used only in a theatrical or television performance or the rehearsal of such a performance or the production of a film. The holder of this certificate shall recover the firearm(s) after each performance, rehearsal or production in which the firearm(s) is/are being used by persons taking part.

21. Treating Animals

- The *calibre *firearm and ammunition shall be used only in connection with the purpose of tranquillising or otherwise treating an animal. The holder is authorised to hire or borrow additional equipment in the event that the instrument to which this certificate relates is not available for use.

[6] Insert name of society/societies.

22. Young Shooters

- THIS NOTICE DOES NOT FORM PART OF THE CONDITIONS. The certificate holder may not purchase or hire any firearm or ammunition prior to *date[7] when he/she will attain the age of eighteen years.

The following condition(s) must be added to a young person's certificate when the certificate is granted, varied or renewed:

Firearm

- Until such time as the holder of this certificate attains the age of 18 years, a

  - parent,
  - guardian or
  - other person aged 18 years or over who is authorised under the Firearms Act 1968, to possess the firearms and ammunition to which this certificate relates,

  as agreed by the chief officer of police who issued this certificate, [*insert name] is responsible for the secure storage of the firearm(s) and respective ammunition to which this certificate relates.

Shotgun

- Until such time as the holder of this certificate attains the age of 18 years, a

  - parent,
  - guardian or
  - other person aged 18 years or over who is authorised under the Firearms Act 1968 to possess shotguns,

as agreed by the chief officer of police who issued this certificate, [*insert name] is responsible for the secure storage of the shotgun(s) and respective ammunition to which this certificate relates.

[7] Insert date of the holder's 18th birthday.

Appendix 3: Young persons and firearms law

Note that the issuing of firearm or shotgun certificates are dealt with separately – see chapters 7, 10 and 11

	Under 18	Under 17	Under 15	Under 14
1. Purchase any firearm or ammunition	**No**	**No**	**No**	**No**
2. Possess section 1 firearm Exemptions	**Yes**	**Yes**	**Yes**	**No** 1,2,3 (see below)
3. Receive gift of section 1 firearm	**Yes**	**Yes**	**Yes**	**No**
4. Possess assembled shotgun Exemptions	**Yes**	**Yes**	**No** 4,5 (see below)	**No** 4,5 (see below)
5. Receive shotgun as gift	**Yes**	**Yes**	**No**	**No**
6. Possess air weapon or ammunition for an air weapon (see note below) Exemptions	**No** 2,3,4,6 (see below)	**No** 2,3,4,6 (see below)	**No** 2,3,4,6 (see below)	**No** 2,3,4,6 (see below)
7. Receive air weapon, or its ammunition, as a gift (see note below)	**No**	**No**	**No**	**No**

Exemptions
1. Carry for sporting purpose.
2. Rifle/Pistol Club or cadet corps
3. Miniature rifle range.
4. Under supervision of someone 21 years or over.
5. Secure gun cover (but this exemption is not available in respect of air pistols).
6. On private land with the consent of the occupier.

NOTE – air weapons are subject to certification in Scotland (see Chapter 7)

Appendix 4: Schedule of mass-produced antique air weapons whose production period pre-dates 1939

Air weapons from the 17th - 19th century are readily identifiable and tend to be of the pre-charged pneumatic type with detachable reservoirs. They fall into two main types: those which resemble conventional firearms and those which are modelled on walking sticks. Bellows and compressed spring mechanisms are also encountered.

The beginning of the 20th century saw the introduction of mass-produced air weapons. Below are lists of air weapons which were mass-produced before 1939.

Air rifles and air guns

Bonehill Britannia
Britannia "Anglo Sureshot Mk 1"
Improved Britannia
BSA L Model
BSA H Model
BSA Lincoln Model
BSA Improved Model B
BSA Improved Model D
BSA Military Pattern
BSA "A" Series
BSA Standard Model (T Prefix and Club Specials) BSA "Break Action"
Crank operated gallery rifles/guns (all types).
Daisy M 1901
Daisy B-1000
Daisy Model C
Daisy Model H
Daisy Number 12
Daisy Model 29
Daisy Model 40
Diana Model 16
Diana Model 20
Diana Model 25
Diana "Break Action"
Diana Model 48
"Gem" all types
Giffard compressed CO2 all types.
Greener "Break Action"
Haenel Model I D R P
Haenel Model II
Haenel Model III
Haenel Model IV
Haenel Model VIII
Haenel Model X, XV and XX
Haenel Model 45

Hot Shot
Lane's Musketeer
Langenhahn "Favorit 1"
Langenhahn "Millita" Models
Markham (all models)
Marco
Midland Gun Co Demon "Break Action"
Midland Gun Co "Perfecta"
Pfeil (all models)
Precision air rifle (Oscar Will)
Quackenbush (all models)
Remington Model 26
Roland Model 1927 (marketed under various names)
Speedy air rifle
Tell air rifles (Oscar Will)
Webley Mark 1
Webley Mark 2 Service air rifle

Air pistols

Accles & Shelvoke "Warrior"
Anson "Firefly"
Bedford and Walker "Eureka"
Britannia
Daisy "Targeteer" (fixed rear sight = pre 1940)
Diana Model 1
EmGe "Zenit"
Haenel 26
Haenel 28
Haenel 28 Repeater
Hubertus (as sold by Midland Gun Co)
Iver Johnson "Champion"
Lincoln Jefferies "The Lincoln"
Pope Bros "Rifle"
Quackenbush
Siptonon
Snow & Cowe "Kalamazoo"
Tell II
Tell III
Titan (Frank Clarke, Birmingham?)
Westley Richards "Highest Possible"
Webley Mark 1 (straight butt with wooden grips)
Webley Mark 1 (raked butt with plastic grips, No knurled section on barrel)
Webley "Junior" (wooden or pressed steel grips; post war have rounded butt)
Webley Mark II Target
Webley "Senior" (Straight butt wooden grips)
Webley "Senior" (Slant butt plastic grips. Highest known serial no17578)

NOTES:

1. This list is not definitive.

2. There is a significant class of air pistols with push-in spring loaded barrels which are generically referred to as "Gat" or "Gat type". Those which predate 1939 are as follows:

Briton, Briton De-Luxe and Super Briton
Dolla
Dolla (William Tell)
Diana Model 2
Limit

Appendix 5: Conditions for registration of firearms dealers

For inclusion with all registrations:

i) Reasonable measures shall be taken to maintain the safekeeping of all firearms and ammunition dealt with or kept in the course of the registered firearms dealer's business.

Additional conditions to be imposed in individual cases: (e.g. at other places of temporary business such as fairs etc.)

ii) All firearms shall be * (secured in a locked rack) (kept fastened together by means of a chain/approved security cord passing through the trigger guards and anchored to the frame or rack in which the firearms are secured) in publically accessible venues and shall not be removed unless this is necessary for a particular purpose connected with the certificate holder's business as a firearms dealer. (* Delete the words in brackets which are not applicable)

iii) All handguns shall be kept in a locked safe or suitable secure cabinet and shall not be removed unless this is necessary for a particular purpose connected with the certificate holder's business as a firearms dealer.

iv) Ammunition shall be kept separately under lock and key.

v) Glass panels of doors shall be covered by steel grilles and windows shall be barred, subject to requirements for emergency escape routes.

vi) The holder of this certificate shall notify the chief officer of police in writing if at any time he/she commences dealing in firearms to which section 1 of the Firearms Act 1968 applies.

vii) The holder of this certificate shall notify the chief officer of police in writing if at any time he/she commences dealing in firearms other than flare signal pens.

viii) No firearms or ammunition shall be (handled or)* stored at the registered premises without prior notice to the chief officer of police. (This condition should be used in respect of dealers who do not physically handle firearms or ammunition). [* delete words in brackets if not applicable]

Appendix 6: Guidance on secure keeping of firearms

Conditions of Security

Firearms Act 1968, Amendment Acts 1988 & 1997

The Firearms Rules 1998 state “firearms or shotguns to which a certificate relates must be stored securely at all times so as to prevent, so far as is reasonably practicable, access to the guns by unauthorised persons.”

A registered firearms dealer certificate is conditioned to require that “Reasonable measures shall be taken to maintain the safekeeping of all firearms and ammunition dealt with or kept in the course of the registered firearms dealer’s business.”

Auctioneers, carriers and warehousemen are required by the Firearms (Amendment) Act 1988 to “take reasonable precautions for the safe custody of the firearms and ammunition in his or his servants possession in the course of his business.”

Conditions on an Authority of the Secretary of State/Scottish Ministers for the holding of weapons etc to which section 5 of the 1968 Act applies, include “that the prohibited weapons are stored at no place other that the company premises at [ ] under secure conditions as agreed with and satisfactory to the chief officer of [ ] police”, and “that the prohibited weapons are transported under secure conditions agreed with and satisfactory to the chief officer of [ ] police.”

One of the conditions for Home Office approved rifle and muzzle-loading pistol clubs requires that “the security arrangements for the storage of club firearms and/or ammunition are to the satisfaction of the chief officer of police for the area or areas in which the firearms and/or ammunition are stored.”

The requirements for a museum firearm licence include that: “the Secretary of State/Scottish Ministers shall not grant a licence unless, after consulting the chief officer of police for the area; he is satisfied that the arrangements for exhibiting and keeping firearms and ammunition in question are or will be such as not to endanger the public safety or the peace. A licence shall be subject to such conditions specified in it as the Secretary of State/Scottish Ministers thinks necessary for securing safe custody of the firearms and ammunition in question.”

General Construction & Standards

These specifications are an indication of the relative construction/fabrication of items that would provide the resistance sought in their given application. It is quite possible to produce an acceptable level using alternative strategies, materials or their application.

The test is whether the alternatives on balance provide resistance which can equate to that provided by the contained specification. The Standards quoted in this document should provide a base line for these. Certain of these standards provide testing measures

for resistance or deterrence against which the overall prevention of the theft of the firearm(s) can be assessed.

Summaries of the appropriate standards can be found in the Firearms Security Handbook.

Certain recommendations in this section involve structural adaptation. You should be aware that there is a need to ensure that any recommendation made will not cause any problems in relation to load bearing of floors or walls that may cause damage. It is important that applicants are advised that professional advice should be sought before embarking on projects of this nature.

When proposing security for domestic and commercial premises, no requirements can be implemented that compromise the provisions for safe exiting from such premises, required in both the Building and Fire Safety controls.

The style of security required must be reasonable for each situation.

Cabinets

Cabinets which may be considered to be suitable for the security of firearms, shotguns and ammunition should be expected to provide the resistance equal to:

a) a cabinet manufactured and fitted as certified to comply with BS7558:1992;

or

b) a cabinet fabricated to the following:

i) Sheet steel body of not less than 2mm (14swg), formed by either folding, continuous welding or a combination of these methods;

when fabricating the body, the door case should be constructed to provide a continuous rest plate the length of the opening edge to prevent attack on the lockbolts by inserting a hacksaw blade;

the door frame may be formed by return bending of the body steel or the provision of a bar or angle frame, welded to the carcass with sufficient relief to the edges to provide for door locking and hanging. The frame should be designed so that the door, when closed, can resist attempts to force it inwards.

doors should be formed from the same material with either bent, folded or post formed edges, or the provision of a bracing frame of bar or angled steel, or ribs welded to the inside of the door to prevent the flexing or bending of the door when closed;

hinges internally fitted;

hinges externally fitted, with either hinge bolts, anti-bar plates or interlocking formed door edge, along the hanging side of the door;

swivel bars or rods with return fold anti-bar plate. The frame should be fabricated to prevent, so far as possible, the insertion of tools to cut the pins; or

for slot in type doors, not less than 2 steel pins of 12mm diameter or full width welded steel foot plate not less than door thickness.

ii) Secured by:

locks to BS3621 – 2017 or 7 lever safe locks with not less than 38mm x 9mm cross section steel bolts; or

padlocks not less than CEN 4. Close shackle padlocks should be selected on open ring or plate staples.

Locks specified above, with the exception of padlocks, should be mounted on steel brackets or pockets, providing strength equal to that of the door and welded to the door.

Hinged full-length doors for rifles/shotguns, should be fitted with two locking devices fitted at points to divide the locking edge into equal parts. Alternatively, the door may have a driven bolt/multi-point locking system, either key or lever operated, providing:

a) three bolts operating equally along the opening edge or opening edge, top and bottom;

b) the bolts to provide resistance equal to that in BS3621-2017;

c) a lever driven system to be secured by a lock to BS3621- 2017 or equivalent.

On slide-in, fully braced doors, the number and location of the lock(s) will be determined by the degree of absence of flexing in the door.

Padlocks should have steel staples, hasp/staple, or pad bars fabricated to equate to the protective strength of the lock.

Provision of at least 4 fixing holes to take not less than 10mm diameter fastening devices. The holes to be spaced to provide maximum binding of cabinet to structure.

When ammunition or firing mechanisms are to be kept separately from the firearms, a smaller cabinet of similar construction or a separately lockable container, either as an extension of the cabinet, or internally fabricated, can be manufactured.

Safes

Assuming they are physically capable of containing a firearm, commercially manufactured safes may be considered suitable for the securing of firearms. Even early models, if tight and in good condition can provide physical protection that would be above that expected on a cabinet constructed to BS7558-1992. The following considerations should be applied as appropriate:

Safes weighing less than 20 cwt should be secured to the floor in accordance with the manufacturer’s instructions, or in the case of one already possessed, that from a manufacturer or safe engineer.

Safes have a considerable floor loading implication. Advice must be sought for any proposal to fit a safe on other than a solid ground floor.

To protect those safes with thinner plate backs, they must always be installed with the back against a solid wall or be built into a wall or recess to prevent attack at the rear.

Where the safe is secured by driven bolt work, a single key lock or dial lock (either combination or digital) is often provided. Unless there is some particular requirement, double locking is not necessary.

Clamps

Clamps which may be considered to be suitable for the security of a single firearm or shotgun should be:

Steel plate construction, not less than 2 mm (14 swg), all external joints to be seam welded or of bend construction.

Secured by a lock to BS3621-2017; 7 lever safe locks with not less than 38 mm x 9 mm cross section steel bolts; a lock on the HELA Tech doc 26/95; security padlocks not less than CEN 4.

Configured to enclose firearm action and trigger(s).

Provided with at least two fixing points to allow fixing devices not less than 10 mm diameter being used.

Fixed in such a location to frustrate attack on the fixings.

Cable Locks

Flexible or semi-rigid devices for the secure fastening of single weapons which provide the restraint equal to:

a) spun steel security cables, not less than 8 mm diameter excluding any sleeve;

b) fitted with integral anchorage plate suitable for fastening with non-return security fixings;

c) secured by a close fitting padlock not less than CEN 3 up to CEN 4 or in-built security locking device.

Information on other security provisions are contained in the Firearms Security Handbook and, in respect of air weapons in Scotland, please also refer to the Air weapon licensing in Scotland: guide - gov.scot.

Appendix 7: Taking of firearms (including air weapons) to Northern Ireland by visitors from Great Britain

1. The requirements for the taking of firearms (including air weapons) to Northern Ireland by persons in Great Britain are as follows:

Bullet Firing Weapons and Specially Dangerous Air Weapons (Section 1 Firearms)

2. Such weapons may be taken into Northern Ireland provided that the visitor holds a valid Great Britain firearm certificate in respect of that weapon.

Shotguns

3. Such weapons may be taken into Northern Ireland provided that the visitor holds a valid Great Britain shotgun certificate showing a full description of the shotgun in question.

Air weapons other than specially dangerous ones

4. Such weapons may be taken into Northern Ireland provided that the visitor holds a valid Certificate of Approval issued by the Chief Constable of the Police Service of Northern Ireland showing a full description of the air weapon in question. A valid Certificate of approval is required for an air gun which is capable of discharging a missile so that the missile has, on being discharged, a kinetic energy in excess of one joule.

Appendix 8: Conditions for visitor's firearm or shotgun permit

(i) The holder must, on receipt of this permit, sign it in ink with their usual signature

(ii) The holder of this permit must inform at once the chief officer of police by whom this permit was granted of the theft, destruction, deactivation or loss in Great Britain of any firearm or ammunition (shotgun) to which it relates and/or the theft, loss or destruction in Great Britain of this permit.

(iii) The holder of this permit must, without undue delay, inform the chief officer of police by whom this permit was granted of any change in their notified arrangements insofar as it relates to the grant of this permit.

(iv)

(a) The firearm and ammunition(shotgun) to which this permit relates must at all times (except in the circumstances set out in paragraph (b) below) be stored securely so as to prevent, so far as is reasonably practicable, access to the firearm or ammunition (shotgun) by an unauthorised person.

(b) Where a firearm or ammunition (shotgun) to which this permit relates is in use or the holder of the permit has the firearm (shotgun) with them for the purpose of cleaning, repairing or testing it or for some purpose connected with its use, transfer or sale, or the firearm or ammunition (shotgun) is in transit to or from a place in connection with its use or any such purpose, reasonable precautions must be taken for the safe custody of the firearm or ammunition (or shotgun).

(v) The holder of this permit must, on written request, return the permit to the chief officer of police without delay.

(vi) The firearm(s) and ammunition to which this permit relates shall be used only at [place of event/use or event(s)] [name of event(s)/competition(s)] or target shooting on ranges suitable for the safe use of that class of firearm and with adequate financial arrangements in place to meet any injury or damage claim.

(vii) The firearm(s) and ammunition to which this permit relates shall be used only on [land over which shooting is to take place].

(viii) The firearm(s) and ammunition to which this permit relates shall be used only on [land over which shooting is to take place] and on other land over which the holder has lawful authority to shoot. The following is required as a standard condition for a shotgun visitor's permit.

(ix) The holder of this permit must, without undue delay, inform the chief officer of police who issued the permit of the details of any shotgun which the holder has purchased or otherwise acquired; and must enter the details of each such shotgun in the appropriate part of this permit.

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