



Home Office

FIREARMS LICENSING

A consultation on recommendations for changes made to the Home Office

June 2023

About this consultation

- To:** This consultation is open to the public and organisations and bodies with an interest in firearms licensing in England, Wales and Scotland.
- Duration:** From 29 June 2023 to 23 August 2023
- Enquiries (including requests for the paper in an alternative format) to:** Firearms Policy Unit
5th floor, Fry Building
Home Office
2 Marsham Street
London SW1P 4DF
- Email: firearmsconsultations@homeoffice.gov.uk
- How to respond:** Please submit your response by 23 August 2023 by -
- Completing the online form at:
<https://www.homeofficesurveys.homeoffice.gov.uk/s/firearms-licensing/>
 - Email to: firearmsconsultations@homeoffice.gov.uk
 - Post to:
Firearms licensing consultation
Firearms Policy Unit
Home Office
5th floor, Fry Building
2 Marsham Street
London SW1P 4DF
- Additional ways to respond:** Please contact the Firearms Policy Unit (as above) if you require information in any other format, such as Braille, large font or audio.

Contents

| | |
|---|----|
| 1. Introduction | 3 |
| Structure of this consultation paper..... | 4 |
| The context..... | 4 |
| The shootings on 12 August 2021 in Keyham..... | 5 |
| The shootings on the Isle of Skye and in Dornie on 10 August 2022..... | 5 |
| 2. Background on firearms licensing and offences involving firearms | 7 |
| An overview of firearms licensing legislation..... | 7 |
| The possession of firearms and shotguns..... | 8 |
| Offences involving firearms..... | 9 |
| Action being taken to tighten controls on firearms..... | 11 |
| 3. Recommendation for changes to legislation | 14 |
| Introduction..... | 14 |
| Legislative presumption in favour of granting a firearm or shotgun certificate..... | 14 |
| A power of immediate seizure of firearms, shotguns and ammunition..... | 15 |
| Mandatory prohibitions..... | 16 |
| Length of certificate renewed before renewal required..... | 16 |
| 4. Referees | 18 |
| Introduction..... | 18 |
| Background on the system of referees in firearms licensing..... | 18 |
| The requirements relating to referees..... | 19 |
| A review of the referee system..... | 20 |
| 5. Other areas of recommendations and next steps | 22 |
| Other recommendations..... | 22 |
| Next steps..... | 28 |
| Annex A: How to respond to this consultation | 30 |

1. Introduction

- 1.1. This paper seeks views on recommendations made to the Home Office for changes to the legislation on firearms¹ licensing, possible changes to the system of referees, and changes in other areas of firearm licensing. The recommendations to the Home Office have been made in the following three reports:
- i. the Prevention of Future Deaths reports issued by the Senior Coroner for Plymouth, Torbay and South Devon (*hereafter referred to in this paper as Coroner for the Keyham Inquest*) on 8 March 2023. This followed the inquest into the deaths of those shot and killed by Jake Davison in Keyham on 12 August 2021;
 - ii. the report by the Independent Office for Police Conduct (IOPC) following its investigation into Devon and Cornwall Police's decision-making in relation to Jake Davison's possession of a shotgun and shotgun certificate. The IOPC published its provisional recommendations to the Home Office on 20 February 2023 and finalised formal recommendations on 2 May 2023; and
 - iii. the report by the Scottish Affairs Select Committee following its review of firearms licensing regulations in Scotland which was published on 22 December 2022. This review was established following the fatal shooting of John MacKinnon on the Isle of Skye on 10 August 2022.
- 1.2 The Government has made no decision yet on the recommendations on which we are seeking views, and we will carefully consider all views received on the various recommendations. Public safety is our priority, but the measures to manage the risk to public safety must be proportionate and balanced with the fact that the vast majority of licensed firearms holders are law abiding and cause no concern. It is for this reason that the Government has decided not to proceed with the recommendations made to align shotgun and firearms legislation and the concern from the Coroner that there appears to be a legislative presumption in the Firearms Act 1968 in favour of granting a firearms certificate. Shotguns are already subject to significant controls on their use and they are important in helping farmers control vermin on their land and in rural pursuits. We will keep this under review, but we are concerned that additional controls on shotguns are unnecessary and would have a negative impact on their legitimate use. We are also of the view that sections 27 and 28 of the Act do not create a general presumption that a certificate shall be issued as there are specific conditions set out which must be met before a certificate is granted, including meeting the conditions on suitability to the satisfaction of the police.
- 1.3 The Government is already committed to:
- i. funding for new national police training which, in due course, will be made mandatory;

¹ 'Firearms' is the term used to cover all firearms and shotguns and is used throughout this consultation paper. The paper makes it clear when discussing shotguns specifically and will use the term 'shotgun' to distinguish them when necessary from other firearms.

- ii. reviewing fees charged by police forces for granting certificates; and
- iii. reviewing the Statutory Guidance regularly.

Structure of this consultation paper

- 1.4. Chapter 2 provides background on the system of firearms licensing and information about offences involving firearms. Then in Chapter 3 we focus on the recommendations received for changes to the legislation governing the licensing of firearms. We would welcome your views on making the legislative changes that have been recommended. **Following this consultation, and in light of the responses received and if the Government concludes that legislative changes are necessary, the Government will consult formally on specific legislative proposals, accompanied by assessments of the impact of those changes on all those potentially affected (including an equality impact assessment).**
- 1.5. We focus in Chapter 4 on recommendations made in respect of changing the system of referees used in firearms licensing. Information from referees about firearms certificate applicants is an important part of the suitability checks undertaken by the police to determine whether a person can be permitted to possess a firearm without danger to public safety or to the peace. **We would again welcome views on the recommendations made about changes to the system of referees.**
- 1.6. Chapter 5 discusses other recommendations that have been made to the Home Office and outlines the next steps we are proposing to take following this consultation. We would also welcome your views on these recommendations. Annex A sets out all the questions asked in the paper and seeks your responses.

The context

- 1.7. The Government recognises the devastating impact that deaths by shootings have on the families and friends of victims, as well as the traumatic impact that such incidents have on the wider community. That is why we have stringent controls on firearms to minimise the risk to public safety. Apart from a few specific exemptions, a person is only able to possess a firearm lawfully if they are licensed to do so by the police and have a valid firearms certificate. Our priority is protecting public safety, and in doing so, it is essential we keep our controls on firearms under constant review, whilst ensuring that licensed firearms holders can shoot under controlled conditions. It is important that we learn from any incidents involving the use of firearms, and particularly those involving a licensed firearms holder, as they will have been assessed by the police as safe to possess a firearm lawfully. The Government welcomes the reports issued by the Coroner in the Keyham Inquest, and the recommendations made by the IOPC and the Scottish Affairs Committee, whilst recognising the tragic circumstances that led to them.
- 1.8. In this paper, we are looking specifically at the recommendations for changes made to the Home Office following the shootings that occurred in Plymouth and the Isle of Skye and in Dornie.

The shootings on 12 August 2021 in Keyham

- 1.9. On 12 August 2021, Jake Davison shot and killed five people and wounded two others before fatally shooting himself. Those who died were Jake Davison's mother, Maxine Davison, Lee Martyn and his three-year-old daughter, Sophie, Stephen Washington and Kate Shepherd. The two people injured were Michelle Parker and her son, Ben Parsonage.
- 1.10. Jake Davison was issued with a shotgun certificate by Devon and Cornwall Police on 22 January 2018. He purchased a pump action shotgun on 31 March 2018, which was later identified as the weapon that he used in the shootings on 12 August 2021. On 16 September 2020, Mr Davison assaulted a teenage boy and girl in a local skate park. He was not charged with any offence in connection with the assault, but after admitting the offence, Mr Davison attended a Pathfinder scheme, which was a programme intended to reduce the likelihood of reoffending. His shotgun and certificate were taken and removed by Devon and Cornwall Police on 7 December 2020, and subsequently returned to him on 9 July 2021, following a case review by the police.

The Coroner's report

- 1.11 The inquests into the deaths of Maxine Davison, Lee Martyn, Sophie Martyn, Stephen Washington and Kate Shepherd opened on 16 January 2023 and concluded on 20 February 2023 when the jury delivered verdicts of unlawful killings. The Coroner for the Keyham Inquest issued Prevention of Future Deaths reports to the Home Office and to other parties on 8 March 2023.

The Independent Office for Police Conduct report

- 1.12 In its report '*Operation Begna - A report summarising the IOPC investigation into the prior contact between Devon and Cornwall Police and Jake Davison, who committed the mass shooting in Plymouth on 12 August 2021*²' published on 20 February 2023, the IOPC made six provisional recommendations to the Home Office. These recommendations were finalised on 2 May 2023.

The shootings on the Isle of Skye and in Dornie on 10 August 2022

- 1.13 On 10 August 2022, John MacKinnon was fatally shot at his home on the Isle of Skye. The following day Finlay MacDonald, a licensed shotgun owner and Mr Mackinnon's brother-in-law, was charged with the murder. Mr MacDonald was also charged with the attempted murder of his wife, Rowena MacDonald, who was stabbed around half an hour before the fatal shooting, and with the attempted murders of John Don Mackenzie and Fay Mackenzie who had been shot on the afternoon of 10 August. This remains subject to criminal proceedings at the time of publication of this paper.

² [Operation Begna executive summary.pdf \(policeconduct.gov.uk\)](#)

The report from the Scottish Affairs Select Committee

1.14 Following the shootings on 10 August 2022, the Scottish Affairs Select Committee undertook a review of firearms licensing regulations in Scotland. The Committee published its report on 22 December 2022 and made recommendations to the Home Office.

2. Background on firearms licensing and offences involving firearms

An overview of firearms licensing legislation

- 2.1 The central piece of legislation relating to firearms controls and licensing is the Firearms Act 1968, and this applies in England, Wales, and Scotland. The Act allows for two main types of firearms that can be held by members of the public: (i) firearms subject to section 1 of the 1968 Act ('section 1 firearm'); and (ii) shotguns subject to section 2 of the 1968 Act ('section 2 shotgun'). Both section 1 and section 2 weapons require members of the public to hold a valid certificate. It is a criminal offence, punishable by up to seven years imprisonment and/or a fine to hold a firearm or shotgun without the appropriate certificate. Furthermore, for section 1 firearms, it is also an offence to hold ammunition without the appropriate firearms certificate.
- 2.2 A firearm or shotgun certificate can only be issued by the relevant police force for the area in which the applicant resides. The decision to grant or renew a certificate is a decision that rests with the local police force (although it can be appealed to the courts). A certificate should only be issued following an assessment of suitability of the applicant undertaken by the local police force. The Home Office has published guidance to the police on undertaking the assessment of suitability as part of a much wider guide on firearms licensing. This was previously non-statutory guidance and there was no legal requirement on police forces to follow the guidance, although most forces did. However, since 1 November 2021, the Home Secretary has issued Statutory Guidance to Chief Officers of Police on Firearms Licensing, and police forces must have regard to this guidance and the requirements it sets out concerning the assessment of suitability.
- 2.3 For a section 1 firearm, the assessment of suitability is to satisfy the chief officer of police that the applicant is: (a) fit to be entrusted with a firearm/ammunition and is not otherwise prohibited to hold a firearm/ammunition, (b) has good reason for wanting to hold the firearm/ammunition, and (c) that in all the circumstance, the applicant can be permitted to have the firearm/ammunition without danger to the public safety or to the peace. This is the same test that needs to be satisfied regardless of whether it is an initial grant or renewal of a certificate.
- 2.4 For a section 2 shotgun, the test to be satisfied is the same except there is no requirement to assess whether an applicant can be entrusted with a shotgun. That said, the paramount concern for either type of weapon is whether a person can possess a firearm or shotgun without danger to public safety or the peace and, therefore, the same considerations will usually be relevant in the assessment of suitability.
- 2.5 Both firearm and shotgun certificates are granted subject to certain prescribed conditions which, if they are not complied with, may result in revocation of the certificate. The prescribed conditions are similar for firearms and shotguns: for example, that the firearm or shotgun must be stored securely to prevent access by unauthorised persons, and that the licensing police force is notified promptly about a

change of address. Additional conditions can be applied to a firearm certificate, but not to a shotgun certificate, on a case-by-case basis. The Firearms (Amendment) Act 1997 requires a certificate holder to notify the licensing police force in writing within seven days of any transaction concerning the acquisition, transfer or disposal of a firearm.

- 2.6 Firearm and shotgun certificates have a five-year validity, but licence holders should be subject to continuous assessment by the relevant police force. This means that if any evidence, information or intelligence is identified during this period the police force will need to reassess the certificate holder's suitability to hold such a certificate and firearms. Each case is treated on its individual merits and considered on the basis of the information available to the police. During this review, certificate holders may be asked to surrender their certificates and their weapons. Where the review reveals that there is no danger to the public safety, the firearms and certificate should be returned as soon as practicable. However, if the chief officer of police is satisfied that the grounds for revoking a certificate are made out, the certificate holder's certificate will be revoked and any firearms or ammunition seized, if not already done so. A certificate holder or applicant has a right to appeal any refusal or revocation to the Crown Court (or Sherriff's Court in Scotland).

The possession of firearms and shotguns

- 2.7 Firearm and shotgun certificates are held for a range of legitimate purposes such as target shooting and controlling vermin. As of 31 March 2022:
- there were 151,218 firearm certificates on issue in England and Wales; 25,345 firearm certificates in Scotland.
 - there were 522,627 shotgun certificates on issue in England and Wales; 44,503 shotgun certificates in Scotland.
 - there were 539,212 people who held a firearm and/or a shotgun certificate in England and Wales. A similar figure is not published for Scotland.

Firearms

- 2.8 In total, 620,848 firearms were covered by firearm certificates in England and Wales, as of 31 March 2022. The majority (57%) of 'section 1 firearms' were rifles and 32% were sound moderators. Rifles are typically used for target shooting, the control of vermin or sports shooting. (Sound moderators are an accessory used with a firearm, which are subject to the need to be covered by a firearms certificate, and are items designed to reduce the noise or flash of a firearm). 106,681 firearms were covered by firearm certificates in Scotland.

Shotguns

- 2.9 In total, 1,367,579 shotguns were covered by shotgun certificates as of 31 March 2022, with, on average, 2.6 shotguns held on each shotgun certificate. The main usage of these types of weapons is vermin control, clay pigeon shooting and sporting purposes. 131,094 shotguns were covered by shotgun certificates in Scotland.

Revocations

2.10 In the year ending 31 March 2022, 385 firearms certificates were revoked in England and Wales, compared to 306 in the previous year. In the year ending 31 March 2022, 1,075 shotgun certificates were revoked in England and Wales, compared to 982 in the previous year. In Scotland, in the same period, 61 firearms certificates were revoked and 89 shotgun certificates revoked.

Offences involving firearms

2.11 Offences involving firearms make up a small proportion of all police recorded crime in England and Wales. In the year ending December 2022, the police recorded 6,193 offences involving firearms (excluding Devon and Cornwall police and air weapons). This was a 5% decrease compared with the pre COVID-19 pandemic year ending March 2020, when there were 6,511 offences, and an 11% increase compared with the year ending December 2021, when there were 5,581 offences³. Firearms offences include offences where a firearm has been fired, or used as blunt instrument, or used as a threat. In Scotland, the most recent published figures are for 2019/20, and in this year, there were 341 firearms offences.

2.12 Firearm offences by firearm type in England and Wales are set out in table 1 below. The most commonly used firearm, which is not an imitation, is the handgun. Since the Firearms (Amendment) Act 1997, handguns have been prohibited for use and cannot be licensed under section 1 of the Firearms Act 1968. The handguns used in committing criminal offences will have been acquired and kept illegally.

Table 1: Offences recorded by the police in England and Wales which firearms were reported to have been used, by type of principal weapon, excluding air weapons and Devon and Cornwall Police, year ending December 2022. Source – Police recorded crime, ONS

| Firearms offences by firearm type (excluding air weapons) – year ending December 2022 | |
|--|-------|
| Shotguns | 442 |
| Handguns | 1,947 |
| Rifles | 49 |
| Imitation firearms* | 2,196 |
| Unidentified | 1,020 |
| Other** | 539 |
| Total | 6,193 |
| * Includes replica weapons and low-powered guns which fire small plastic pellets, such as soft air guns. | |
| ** Includes CS gas/pepper spray, stun guns and other weapons. | |

³ All figures exclude Devon and Cornwall Police

Offences in which firearms have been used

2.13 Table 2 below sets out offences recorded by the police in which firearms were reported to have been used (excluding air weapons) by offence group in England and Wales in the year ending March 2022:

Table 2: source – Police recorded crime, ONS

| Offence type | Number |
|--|---------------|
| Violence against the person | 2,418 |
| Homicide | 31 |
| Attempted murder and other most serious violence | Not available |
| Attempted murder and GBH with intent offences | Not available |
| Attempted murder, assault with intent to cause serious harm and endangering life | 733 |
| Other | 1,654 |
| Robbery | 781 |
| Burglary | 145 |
| Criminal damage | 488 |
| Public fear, alarm or distress | 345 |
| Possession of weapons | 1,214 |
| Other firearm offences | 359 |

2.14 Table 3 below sets out the number of offences recorded by the police in which firearms were reported to have caused injury, by type of principal weapon, in England and Wales in the year ending March 2022 (excluding air weapons):

Table 3: source – Police recorded crime, ONS

| Firearm Type | Number |
|--------------|--------|
| Shotguns | 104 |
| Handguns | 186 |
| Other | 955 |

2.15 Table 4 below sets out the number of offences recorded by the police in which firearms were reported to have caused injury, by degree of injury and type of principal weapon in England and Wales in the year ending March 2022:

Table 4: source – Police recorded crime, ONS

| Firearm type | Fatal Injury | Serious Injury | Slight Injury | Total Offences |
|--------------|--------------|----------------|---------------|----------------|
| Shotguns | 13 | 53 | 38 | 442 |
| Handguns | 17 | 70 | 99 | 1,799 |
| Other | 1 | 126 | 828 | 3,509 |

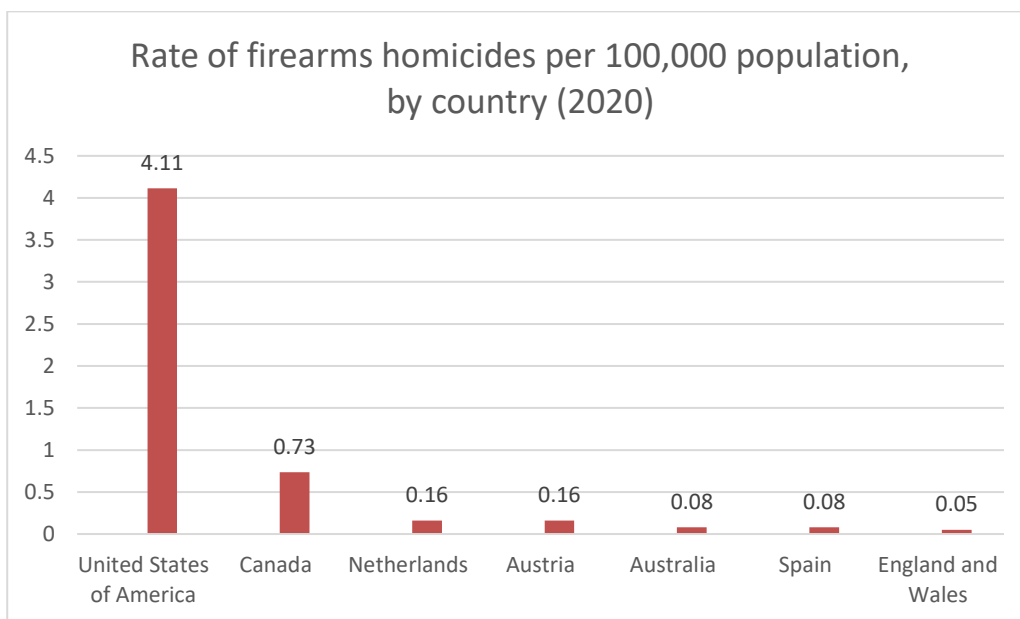
Homicides involving firearms

2.16 Table 5 below sets out the number of offences in England and Wales recorded as homicide by whether a firearm was used and whether it was licensed over a 10 year period to March 2022, and Chart 1 provides a comparison on homicide rates for England and Wales to other countries:

Table 5: source – Home Office Homicide Index, ONS

| Year | Licensed | Unlicensed | Licensing unknown |
|--------------------------|----------|------------|-------------------|
| April 2011 to March 2012 | 8 | 27 | 5 |
| April 2012 to March 2013 | 3 | 24 | 2 |
| April 2013 to March 2014 | 3 | 17 | 8 |
| April 2014 to March 2015 | 4 | 12 | 2 |
| April 2015 to March 2016 | 1 | 18 | 6 |
| April 2016 to March 2017 | 2 | 29 | 1 |
| April 2017 to March 2018 | 4 | 19 | 3 |
| April 2018 to March 2019 | 1 | 26 | 4 |
| April 2019 to March 2020 | 6 | 15 | 5 |
| April 2020 to March 2021 | 2 | 30 | 3 |
| April 2021 to March 2022 | 9 | 19 | 0 |

Chart 1: source UNDOC (2020) and ONS Homicide in England and Wales (to March 2020)



Action being taken to tighten controls on firearms

2.17 The Government recognises that access to, and possession of, firearms will always carry risk. Firearms in the wrong hands can have devastating and fatal consequences. Our priority is to protect public safety and minimise the risk of firearms being misused, and to this end, action already taken by the Government to strengthen the controls on firearms include:

- The Policing and Crime Act 2017 introduced new offences of unlawfully converting imitation firearms and selling a ‘defectively deactivated’ firearm; and creating a power for the Secretary of State to issue Statutory Guidance to Chief Officers of Police.

- The Offensive Weapons Act 2019 banned certain rapid-firing rifles and bump stocks (a device used to increase the rate of fire of self-loading rifles).
- The Antique Firearms Regulations 2021 defined in law which firearms could be held without a certificate as 'antiques' with the aim of preventing criminals obtaining old but still functioning firearms for use in crime.
- Following a public consultation on firearms safety issues that ran from 24 November 2020 to 16 February 2021, the Government committed to:
 - strengthen security requirements to mitigate the risk of theft of high muzzle energy rifles by requiring enhanced security for the secure storage for these particularly powerful firearms. The Firearms (Amendment) Rules 2023, which were made on 26 January 2023, gives effect to these requirements and will come into force on 27 July 2023;
 - tighten the control of miniature rifle ranges by requiring operators to obtain a firearm certificate and to limit such ranges to the use of .22 rimfire weapons; and to tackle the unlawful manufacture of ammunition by introducing a new offence of possessing component parts with intent to assemble unauthorised quantities of complete ammunition. These measures are the subject of a Private Members Bill on firearms, supported by the Government, and are currently before Parliament;
 - clarify in law the offence of failing to take 'reasonable precautions' to prevent minors from accessing air weapons. The Government expects to bring forward the necessary Statutory Instrument to achieve this before the 2023 Parliamentary summer recess.
- Statutory Guidance to Chief Officers of Police on firearms licensing was issued on 1 November 2021. This followed a public consultation from July to September 2019. The Statutory Guidance details the assessment of suitability that the police must undertake before issuing or renewing firearms certificates, and it is designed to ensure greater consistency in licensing decisions taken by police forces. The Statutory Guidance was refreshed and re-issued on 14 February 2023 after a review following its first year of operation.
- The Statutory Guidance introduced the requirement that the police must be provided with relevant medical information from an applicant's GP or other doctor otherwise the application for a certificate (or renewal) is declined. To further strengthen and support these medical arrangements, the Government has worked with NHS England and the British Medical Association to introduce a digital marker for use on GP medical records to support information sharing between doctors and the police. The digital marker supports the continuous monitoring of firearms certificate holders by the police, as it automatically alerts the GP to relevant changes in a certificate holder's health. The rollout of the digital marker to GP surgeries started in July 2022 and is now available in all GP surgeries in England. The UK Government will work with the Scottish

Government and Welsh Government if they decide they would like to introduce a digital marker in Scotland and Wales.

- In April 2022, the Government began a review of firearms licensing fees for certificates issued by police forces. The Government is committed to ensuring an efficient and effective firearms licensing system and to achieving full cost recovery for the police. The Government intends to consult on new fees in summer 2023 and to bring forward the necessary Statutory Instrument to make the fee changes later in 2023.
- The Government is supporting the College of Policing and the National Police Chief's Council in their programme to refresh the Authorised Professional Practice for firearms licensing and to introduce a new national package of accredited training. The College of Policing consulted on an updated Authorised Professional Practice from January to March 2023. Funding of £500,000 to the College has been made by the Home Office, as announced by Home Office Minister, the Rt Hon Chris Philp MP in June 2023, specifically to ensure this new accredited training is taken forward. We will also be looking at how to make this training mandatory, which we intend to do.
- His Majesty's Inspectorate of Constabulary and Fire & Rescue Services will be undertaking a thematic inspection of police forces' arrangements in respect of firearms licensing in 2024/2025.

3. Recommendations for changes to legislation

Introduction

- 3.1 In this chapter, we discuss recommendations made to the Home Office for changes to legislation that we would welcome your views on. The Government has not made any decisions yet on whether to proceed with these recommendations, and we would welcome views on the recommendations relating to:
- A new statutory power for the police to search a certificate holder's home enabling immediate seizure of firearms, shotguns and ammunition.
 - Updating the mandatory prohibitions that automatically prevent someone from having a certificate.
 - Reviewing the length of time that a certificate is granted, which is currently for five years.
- 3.2 The Government has decided not to proceed with the recommendations made to align shotgun and firearms legislation and the concern from the Coroner that there appears to be a legislative presumption in the Firearms Act 1968 in favour of granting a firearms certificate. Shotguns are already subject to significant controls on their use and they are important in helping farmers control vermin on their land and in rural pursuits. We will keep this under review, but we are concerned that additional controls on shotguns are unnecessary and would have a negative impact on their legitimate use. The Government is also of the view that sections 27 and 28 of the Act do not create a general presumption that a certificate shall be issued as there are specific conditions set out which must be met before a certificate is granted. This includes meeting the conditions on suitability to the satisfaction of the police.

Legislative presumption in favour of granting a firearm or shotgun certificate

- 3.3 The Coroner in the Keyham Inquest recommended that we look at whether the Firearms Act 1968 was formulated in such a way that it set a presumption in favour of granting a firearms or shotgun certificate unless there were valid reasons for not doing so. The relevant sections of the Firearms Act 1968 are reproduced below:

27 Special provisions about firearm certificates.

- (1) A firearm certificate shall be granted where the chief officer of police is satisfied—
- (a) that the applicant is fit to be entrusted with a firearm to which section 1 of this Act applies and is not a person prohibited by this Act from possessing such a firearm;
 - (b) that he has a good reason for having in his possession, or for purchasing or acquiring, the firearm or ammunition in respect of which the application is made; and
 - (c) that in all the circumstances the applicant can be permitted to have the firearm or ammunition in his possession without danger to the public safety or to the peace

28 Special provisions about shot gun certificates.

- (1) Subject to subsection (1A) below, a shot gun certificate shall be granted or, as the case may be, renewed by the chief officer of police if he is satisfied that the applicant can be permitted to possess a shot gun without danger to the public safety or to the peace.
- (1A) No such certificate shall be granted or renewed if the chief officer of police—
- (a) has reason to believe that the applicant is prohibited by this Act from possessing a shot gun; or

(b) is satisfied that the applicant does not have a good reason for possessing, purchasing or acquiring one.

(1B) For the purposes of paragraph (b) of subsection (1A) above an applicant shall, in particular, be regarded as having a good reason if the gun is intended to be used for sporting or competition purposes or for shooting vermin; and an application shall not be refused by virtue of that paragraph merely because the applicant intends neither to use the gun himself nor to lend it for anyone else to use

3.4 The Coroner suggested that there is a strong legislative presumption in favour of a licence being granted, created by the words 'shall be granted' in sections 27 and 28 of the Firearms Act 1968. The Government have decided not to consult on this recommendation as it is clear that these sections of the Act do already go on to specify the criteria that must be met in order for a shotgun or firearm licence to be granted, as set out in paragraph 3.2 above. These provisions support consistency in the police decision-making process and give certainty to the applicant whilst requiring the applicant to have met the suitability criteria and to undergo checks before a certificate is granted. Any changes to the existing legislative formula would still need to achieve these same objectives so would, essentially, make little or no difference in practice to the current application process. This is a separate issue to the recommendations made about aligning firearms and shotgun legislation, and which the Government has also decided not to progress as set out in paragraph 3.2 above as these are already subject to significant controls on their use.

A power of immediate seizure of firearms, shotguns and ammunition

3.5 Whilst the police have powers to seize firearms, shotguns and ammunition where there is an immediate threat to life, the Coroner in the Keyham Inquest expressed concerns that there is no statutory power for the police to enter property and to seize firearms, shotguns or ammunition where there was a justification for reviewing suitability to hold a firearms certificate, but where there was no immediate threat to life.

3.6 The police currently rely on either 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, if there is no immediate threat to life. The Coroner pointed to the public safety risks that could arise should a certificate holder not agree to voluntary surrender or to allow the police access to their property where the firearms are stored. Linked to any seizure, and resulting review of the certificate, is the additional recommendation that the police should have the power to suspend a certificate temporarily.

We want your views

We would welcome views on the question below.

Q1. Do you consider that the police should be granted a specific power of entry (*without a warrant issued by a magistrate or sheriff*) to be able to seize shotguns, firearms and ammunition where there is a risk to public safety or the peace and the certificate holder does not cooperate with the police and agree to voluntary surrender. (In association with this proposal, the police should be given the power to suspend a certificate temporarily).

Mandatory prohibitions

- 3.7 Under section 21 of the Firearms Act 1968, certain persons are prohibited from possessing any firearms, including shotguns, and ammunition following conviction, and are required to dispose of any weapon and ammunition they possess on becoming a prohibited person. The prohibition applies to any person who receives a custodial sentence, including a suspended sentence, of three months or more, including youth custody or detention in a young offenders' institution. If the sentence is longer than three years, the prohibition is for life, while a sentence to custody of three months or more, but less than three years, results in a prohibition for five years commencing on release. A person who is prohibited from possessing firearms can apply to the Crown Court or, in Scotland, to the sheriff, for the prohibition to be removed.
- 3.8 The Coroner in the Keyham Inquest was concerned that the thresholds for prohibition may not reflect modern day criminal justice disposals, including current sentencing by the courts compared to when the Firearms Act 1968 was introduced, and may allow some people to have continued access to shotguns or firearms where their involvement in criminality may well make this both inappropriate and unsafe, such as violent offenders who are given community disposals.

We want your views

Q2. Do you consider that the prohibition on possessing firearms should be changed from one that is based solely on length of a custodial sentence following conviction, to one based more on the nature of the offence? This would ensure that the prohibition becomes more clearly related to risk rather than, more arbitrarily, to length of sentence.

Length of certificate before renewal required

- 3.9 Firearms and shotguns certificates are valid for five years from the date they are granted or renewed. Five years is provided for in section 28A of the Firearms Act 1968 and has been the duration of certificates since changes were introduced through the Firearms (Amendment) Act 1997. The period before renewal of a certificate was required had previously been three years. The Scottish Affairs Committee looked at the length of time that a certificate was valid. In its report, the Committee commented that the current renewal period of five years remains in place for the time being. However, the Committee recommended that the renewal period should be kept under review, particularly if an alternative, workable method of mental health monitoring and assessment were to be introduced.
- 3.10 In recent years there have been a range of views expressed over the length of the certificate before renewal is required. This was reflected in the differing views given in evidence to the Coroner and to the Scottish Affairs Committee. Some called for a shorter period than five years because of concerns about public safety and that certificates should be valid for two or three years. Others, especially shooting representative bodies, would like to see the length of the certificate increased to ten years if it is proven that the markers applied on medical records of licensed firearms

holders by GPs are shown to be effective in highlighting any relevant medical conditions to police forces (and if this was possibly also supported through mandatory participation by GPs in the process).

We want your views

We would welcome views on the question below.

Q3. Do you consider that the renewal period (currently every five years) for a certificate should be kept under review? If so, is renewal every five years the right period of time or should it be changed to a shorter or longer period of time?

4. Referees

Introduction

- 4.1 Sections 26A and 26B of the Firearms Act 1968 allows the Secretary of State to include matters relating to referees in support of applications for a firearm or shotgun certificate in Rules made under section 53 of the Act.
- 4.2 The requirements of the legislation are reflected in the application forms for the grant or renewal of a firearm or shotgun certificate, which include that the former be accompanied by the names and addresses of two referees, and the latter the name and address of one referee. The referee(s) is/are, amongst other things, required to confirm that they know of no reason why the applicant should not be permitted to possess a firearm or shotgun. The police will normally interview at least one of the referees, in the case of a firearms certificate application, and the referee, in the case of a shotgun application as part of their enquiries into the applicant's suitability.
- 4.3 The criteria that applies to referees are set out in the 1998 Rules and the Statutory Guidance for Chief Officers of Police on firearms licensing (as re-issued in its refreshed version on 14 February 2023). Referees must:
- (i) be resident in Great Britain;
 - (ii) have known the applicant personally for at least two years. The general expectation is that the referee(s) will have known the applicant for the most recent two years and that they have had a reasonable degree of contact with the applicant during that period;
 - (iii) be of good character;
 - (iv) not be a member of the applicant's family; and
 - (v) not be a serving police officer, a police employee, a Police and Crime Commissioner (PCC), a member of staff of a PCC, or a registered firearms dealer.
- 4.4. The police may carry out some background checks on the referee in order to determine their character. If, for example, the police discover the referee has a criminal record or the referee has been refused a firearms certificate, it is unlikely the police will consider the referee to be of 'good character'. If the police consider a referee is unsatisfactory, they will invite the applicant to put forward an alternative person as a referee.

Background on the system of referees in firearms licensing

- 4.5 Referees in support of firearm and shotgun certificate applications are now an important part of the suitability checks carried out by the police. The referee's knowledge of the applicant should mean that they are able to comment on the applicant's character and background and provide a view as to whether the applicant is safe to have a firearm.

- 4.6 The system of referees in firearms licensing has changed significantly since the introduction of the Firearms Act 1968 when it was in fact a counter-signatory system. The Act initially required a person to countersign and verify the photograph of the applicant submitted with their application and the Firearms Rules prescribed further details. The Rules required the countersigner to be '*a Member of Parliament, justice of the peace, minister of religion, doctor, lawyer, established civil servant, bank officer or person of similar standing*'. The Firearms (Amendment) Act 1988, introduced after the Hungerford shootings in 1987, made changes as the counter-signatory was also required to make a statement that they knew no reason why the applicant should not be permitted to possess a firearm.
- 4.7 Significant changes to the counter-signatory system were recommended in the 1996 report from Lord Cullen following his inquiry into the shootings at Dunblane Primary School in March 1996⁴. Lord Cullen recommended the abolition of the counter-signatory system and replacing it with a referee system. He said there should be two referees and both should be of good character. One of the referees should be a member of an approved shooting club of which the applicant is a member. Each referee should answer a questionnaire provided by the police so they could provide knowledge of the applicant's character, mental condition, and conduct. This recommendation was made in the context of, and envisaged as only applying to, section 1 firearm certificates. The Government of the time accepted the recommendation and legislative amendment was made to replace the countersigner with referees through the Firearms (Amendment) Act 1997 (and subsequent changes through the Firearms Rules 1998). A similar system of referees of good character to replace the countersigner was extended to section 2 shotgun certificate applications in 2013/14 with changes made by Statutory Instruments to the Firearms Rules.

The requirements relating to referees

- 4.8 The IOPC recommended that the Government should consider amending the requirements relating to referees so that it becomes a requirement that referees must have:
- (a) recent knowledge of the applicant (e.g. within the last 12 months); and
 - (b) reasonably in-depth knowledge of the applicant's character, circumstances, temperament, and overall fitness to be entrusted with a firearm.
- 4.9 As set out above, the Statutory Guidance requires that the referee(s) will have known the applicant for the **most recent two years** and that they have had a reasonable degree of contact with the applicant during that period. This changed the previous condition that the referee must have known the applicant for two years. This amendment was given effect in the refreshed Statutory Guidance issued on 14 February 2023. This addresses the first part ('a') of the IOPC recommendation.
- 4.10 The Government is also interested in views on the second part of the IOPC recommendation ('b') and whether it should become an explicit requirement that a referee must have a reasonably in-depth knowledge of the applicant's character, circumstances, temperament, and fitness to have a firearm. Linked to this is whether

⁴ The Public Inquiry into the Shootings at Dunblane Primary School on 13 March 1996, Cm. 3386

the referee should also be of certain standing in the community as was the position previously with countersigners, where they were required to be a Member of Parliament, justice of the peace, minister of religion, doctor, lawyer, established civil servant, bank officer or person of similar standing.

A review of the referee system

4.11 The Scottish Affairs Select Committee recommended that the Government conduct a review of the referee system, to determine whether it is fit for purpose. Specific issues raised by the Select Committee were:

- i. individuals canvassing for positive references or putting pressure on people to give positive references (for example, through coercion or by engaging in the peer pressuring behaviours which may be experienced in smaller communities);
- ii. the options open to police when individuals change referees between application and renewal, and between subsequent renewals;
- iii. the sharing of the unique application reference number by the applicant with their referees, in order to make it easier for referees:
 - (a) to report concerns they have about applicants to the police;
 - (b) to decline to give references; and
 - (c) for those who give references but subsequently become concerned that the applicant may no longer be suitable to have access to a firearms or shotgun to report this later to the police;
- iv. that people applying for shotgun certificates provide character references from two referees.

4.12 In addition, the Coroner in the Keyham inquest noted the following deficiencies in the current referee arrangements:

- i. no, or insufficient, information is given to referees concerning what they should disclose to the police about the applicant and their suitability. This could be addressed by some form of standard checklist that goes to referees in all cases to explain what is expected of them and would also allow for referees to give a written declaration that they have disclosed all relevant facts to the police;
- ii. the Statutory Guidance contains insufficient guidance on what information the police should be looking to elicit from referees and how they should do this, and that the absence of national guidance impacted on ensuring consistency between police forces in how they approach the collection of relevant information from referees as part of the assessment of suitability.

4.13 The Coroner also expressed concern that the requirement to provide only one referee as part of an application for a shotgun certificate meant that less information about the applicant and their suitability was obtained, compared to the position with firearms, where the names of two referees are required.

We want your views

We would welcome views on the questions below, related to the requirements in relation to referees.

Q4. Do you consider that people applying for shotgun certificates should provide two referees?

Q5. Do you consider that at least one of the referees should be a person of certain standing in the community (e.g of a professional background)? This could include public officials (both elected and Civil Servants or Local Government officers), members of a regulated profession (including doctors, nurses, solicitors, barristers, accountants and FCA regulated finance professionals), officers of registered shooting clubs, National Farmers' Union representatives, landlords, land managers, vets or surveyors.

Q6. Do you consider that referees should be able to demonstrate a good knowledge of the applicant's circumstances, relevant to their suitability to possess a firearm or shotgun?

Q7. Do you consider that the application form should include a checklist for referees on the information that they should provide to the police, and require referees to provide a written declaration that they have disclosed all relevant facts to the police?

Q8. Do you consider that the Statutory Guidance should include more detailed guidance for the police on the information they should be looking to elicit from referees?

Q9. Do you consider that the police should look at the circumstances when individuals change referees between application and renewal, and between subsequent renewals?

Q10. Do you consider that the sharing of the unique application reference number by the applicant with their referees, would make it easier for referees:

- (i) to report concerns they have about applicants to the police;**
- (ii) to decline to give references; or**
- (iii) for those who give references but subsequently become concerned that the applicant may no longer be suitable to have access to a firearm or shotgun, to report this later to the police?**

5: Other areas of recommendations and next steps

5.1 In this final chapter we set out how we are taking forward the other important recommendations made to the Home Office. We also explain what next steps we are taking generally following this consultation.

Other recommendations

Statutory Guidance

5.2 We are considering revisions to the Statutory Guidance to take account of recommendations made about its content in respect of interviewing partners and household members of those certificate holders/applicants with a record of violence or subject to allegations of violence. We will also look again at making the advice on domestic abuse clearer and emphasise the need to interview partners, relatives, and possibly former partners, if there are allegations of domestic abuse against the certificate holder/applicant. We are also considering revisions to the Statutory Guidance around the required checks to be made by the police as recommended by the IOPC. We will review any proposed new text and additions with key stakeholders before it is finalised. The intention will be to publish a further version of the Statutory Guidance by the end of 2023.

5.3 As part of this work on the Statutory Guidance, we are also considering the application of the balance of probabilities test in the assessment of suitability. This is the test that the police (and courts) apply when weighing the evidence and information in any individual case. The police have been using this particular test for many years when looking at the strength of the evidence and information and considering whether the applicant might be a risk to public safety or to the peace. It was included in the draft Statutory Guidance consulted on in July 2019, as the Home Office acted upon a recommendation made by the Independent Police Complaints Commission (IPCC) that the balance of probabilities test should be explicitly mentioned in future guidance as the test to be applied by the police (and courts) when weighing up evidence and information under consideration. The Coroner in the Keyham inquest queried whether this test was the correct one to apply.

5.4 We will consult with the British Medical Association and Royal College of GPs as to whether neurodevelopmental disorders should be added explicitly to the list of relevant medical conditions, as recommended by the IOPC, in the Statutory Guidance (and application form).

5.5 We will consider amending the Statutory Guidance and its advice on referees and their role once we have carefully considered the responses to this consultation paper and the questions it asks about referees, subject to the decision made following that consideration. Some of the recommendations for changes to the system of referees will need new legislation, whether primary or secondary, if it is decided that those changes are necessary, but other changes can be made through the Statutory

Guidance, and these will be made as part of the revised further version to be published by the end of 2023.

We want your views

We would welcome views on the following questions:

Q11. Do you consider that the content in the Statutory Guidance should be expanded and made more prescriptive in relation to the suitability checks carried out by the police for firearm and shotgun applicants and certificate holders?

Q12. Do you consider that the balance of probabilities test is the correct test to apply in the Statutory Guidance to information about a person's suitability to hold a certificate? This is the test that the police have been using for many years and is applied in weighing the evidence and information in any individual case.

Q13. Do you consider that neurodevelopmental disorders should be added to the list of relevant medical conditions in the Statutory Guidance (and application form)?

Medical arrangements

- 5.6 The Scottish Affairs Committee recommended that the UK Government and Scottish Government work together to consult GPs on whether GPs' engagement with the firearms licensing process should be made mandatory. GPs' compulsory engagement may help GPs to flag health issues affecting firearms owners' suitability to police more quickly and easily. The Home Office will therefore, in co-operation with the Department of Health and Social care and the Scottish Government, look to consult GP representative bodies, including the British Medical Association and Royal College of GPs, on their engagement with the firearms licensing arrangements and whether this should be mandatory.
- 5.7 The Scottish Affairs Select Committee also recommended that the Government investigate the merits of medical practitioners and the police conducting interim checks on firearms licence holders during the period between the grant of a certificate and any application to renew. The Government would welcome views on this recommendation and notes that this is already the intention of the digital marker applied by the GP on the certificate holder's medical record, which will ensure that the police are notified of any concerning deterioration in the certificate holder's physical or mental health at any point after the grant of the certificate. This digital marker currently only applies to GPs in England. The Home Office will support the rollout of the digital marker with the Welsh Government and Scottish Government, if they decide they wish to adopt a similar digital marker in Wales and Scotland. The Statutory Guidance also supports and details the requirements of continuous assessment by the police during the lifespan of a firearm or shotgun certificate, so that the police should be open to receiving information about the ongoing suitability of a certificate holder from any source during the life of the certificate.

- 5.8 The Coroner in the Keyham inquest noted a concern that the digital marker for use by GPs on medical records may not be visible to all health service providers – in this case, the concern was that a mental health emergency triage service would not have been aware that the person they were seeing was a shotgun certificate holder. We will therefore consider with NHS England and the Department of Health and Social Care how this concern about the visibility of the digital marker might be addressed, and in consultation with the medical representative bodies, seek to develop new solutions as quickly as is practicable, if required.

We want your views

We would welcome views on the following questions:

Q14. Do you consider that GPs' engagement with the firearms licensing process should be made mandatory?

Q15. Do you consider that interim medical checks should be made on licensed firearms holders between the grant of the certificate and any application to renew?

Q16. Do you consider that the digital marker for use by GPs on the medical records of licensed firearms holders should be visible to other health professionals?

Mental Health

- 5.9 The Scottish Affairs Select Committee recommended the creation of 'buddy' initiatives for firearm and shotgun owners. This is something that the Committee considered could be integrated into shooting organisations, workplaces, and sporting clubs to enable individuals to recognise and raise concerns about changes in their buddies' mental health, for example if the buddy began to behave erratically or out-of-character. This intention was to formalise existing informal arrangements within shooting organisations and clubs.
- 5.10 The Government would welcome views on the recommendation made by the Select Committee in relation to 'buddy' initiatives. The Home Office has already been working with representatives of the police and shooting representative bodies to bring greater definition to the role of gun club liaison officers for a similar purpose. Gun clubs wishing to allow target shooting by members who do not hold a personal firearm certificate are only allowed to do so if approved by the Home Office in England and Wales, or by the Scottish Government in the case of clubs in Scotland. Clubs must meet the criteria for approval which are published on gov.uk⁵ which translate into licence conditions when approval is granted. One of the criteria is that the club must appoint a member to act as a liaison officer with the police, and a clear description of the role of this liaison officer has been developed, which forms part of the published club criteria. Amongst other things, the liaison officer will be expected to notify urgently the local firearms licensing department where there are serious

⁵ [Approval of Rifle Muzzle Loading Pistol Clubs Leaflet.pdf \(publishing.service.gov.uk\)](#)

wellbeing concerns about a club member displayed through unusual or erratic behaviour or arising from circumstances such as:

- Erratic or unusual behaviour
- Domestic Abuse (i.e. concerns that the member has been a victim or perpetrator)
- Divorce/Separation/Relationship difficulties
- Known financial pressures
- Alcohol and/or drug abuse
- Medical/ill health concerns such as;
 - Severe stress caused by trauma
 - Suicidal thoughts or self-harm to self or others
 - Depression or anxiety
 - Dementia
 - Any other medical or physical condition which may affect safe use of firearms or shotguns.

5.11 In terms of taking this forward, we are now intending to work with the police and shooting bodies to highlight the revised role for gun club liaison officers, and then explore whether and how this model might be applied more widely to other shooting clubs.

5.12 The Scottish Affairs Committee also recommended that the Government should support the shooting community in advertising avenues to mental health support, to build on the recent release of leaflets in Scotland about mental health in that community, and that the UK and Scottish Government work together to support the distribution of materials such as the mental health leaflets produced by shooting organisations. The Government would welcome views on this recommendation as to whether and how a similar form of leaflet on mental health could be made available throughout the United Kingdom.

5.13 The Scottish Affairs Select Committee also recommended that the Government should either put mental health resources like counselling in place in remote rural communities or ensure that mental health resources can be easily accessed in rural communities when tragedies involving firearms occur.

5.14 Health services are a devolved matter and services are delivered separately in England, Wales and Scotland. We recognise the need to ensure people in rural areas have access to mental health services. We are taking action to increase access to mental health services including for people in rural settings. The NHS Long Term Plan commits to investing an additional £2.3billion a year into mental health services by 2023/24. This will allow two million more people to get the mental health support they need. As part of this, we are increasing access to NHS Talking Therapies across all parts of England, including rural areas. NHS Talking Therapies provide evidence-based support for a range of common mental health conditions.

5.15 Since the onset of the pandemic, remote access to NHS talking therapies has increased significantly, from approx. 33% of appointments being delivered via phone/webcam and other virtual means to a high of 97% during the peak of the pandemic. As services return to more in-person face to face delivery, activity can still be delivered via remote technologies. This means patients can access therapy from

the comfort of their own homes where they choose to do so. For rural communities where access to NHS talking therapies services may have been compromised in the past because it required long journeys to community hubs, patients now have a greater choice in how they receive therapy, and hence easier access. Even though many rural communities have poor internet coverage, therapy is being delivered via the telephone, SMS messaging, email or via digital packages that do not require the patient and therapist to be online simultaneously. NHS talking therapies are available on a self-referral basis and we have set national waiting time standard, which we are currently meeting, that 75% of people referred to NHS talking therapies services should start treatment within 6 weeks of referral, and 95% should start treatment within 18 weeks of referral.

We want your views

We would welcome views on the following question:

Q17. Do you consider there should be more mental health advice and support for licensed firearms holders through, for example, advice leaflets and other such support?

Phonelines

- 5.16 The Scottish Affairs Committee recommended that the Government consider the merits of creating a new service, within the existing 101 service, which could direct callers to call-handlers with firearms expertise. This would enable people to raise concerns about suitability, whether at the time of an application for the grant or renewal of a firearm or shotgun certificate, or during the life of the certificate.
- 5.17 The Committee also recommended surveying the public, to ascertain whether there is a general understanding of how to use existing methods to raise concerns, and exploring alternatives to a 'hotline' that might include better advertising of the existing methods of raising concerns (e.g. calling 101 or 999). The Government understands the need to enable members of the public to report concerns about licensed gun owners to the police. As the Committee mention, there are existing general routes for the public to call the police if they have any concerns and that should continue to be the case and we do not wish to do anything to deter someone from calling 101 and 999 or Crimestoppers if they have a concern or it is an emergency. Any new phone service would need funding whether through public funding or another source of funding. The Government welcomes your views on whether a specific phonenumber should be introduced in addition to the services already available or whether there should be greater awareness of existing avenues to raise concerns.

We want your views

We would welcome views on the following questions:

Q18. Do you consider a specific phonenumber should be introduced in addition to the services already available to report concerns about a licensed firearms holder?

Q19. How in principle should any specific phonenumber be funded: public funding or other source of funding?

Q20. Do you consider that it would be better to raise awareness of existing avenues open to raise concerns about a licensed firearms holder (999, 101, Crimestoppers, force firearms licensing contacts) than create a new phonenumber service?

Fees

- 5.18 The Scottish Affairs Committee recommended that the Government consult on putting in place a two-tier system of firearms licence costs, so that people who use firearms or shotguns for leisure would pay the full cost of their licence applications, while those who are required to use firearms or shotguns for work purposes would pay a reduced fee. It was recommended that this be accompanied by a list of work purposes that would qualify for payment of the lower fee.
- 5.19 The Coroner in the Keyham inquest also expressed concern that firearms and shotgun licensing fees do not allow the police to achieve full cost recovery. The Coroner expressed the view that the calculation of fees should take account of the costs of training for firearms licensing officers and staff as well as the day to day costs of delivering the licensing function to ensure that police licensing arrangements are properly resourced and staff adequately trained to deliver their duties.
- 5.20 The Home Office is chairing a Fees Working Group that was formed in April 2022. The level of fees charged by police forces for firearms licensing is currently being reviewed. In January 2023, a data collection exercise was held in 31 police forces across England, Wales and Scotland, and this exercise was used to collect data on costs and time spent on licensing related activities by police forces. This will inform proposals for new fees and it will take account of training costs as referred to by the Coroner. The intention is to consult on proposed new fees in summer 2023, and subsequently, to finalise a new set of fees to be introduced by Statutory Instrument later in 2023.
- 5.21 We will consider the Scottish Affairs Committee's recommendation on a two-tier fee and whether it could be included in the forthcoming consultation on proposed new fees. However, in doing so, we note HM Treasury guidance specifically rules out any two-tier system as paragraph 6.3.6 of *Managing Public Money* states "*However, different groups of customers should not be charged different amounts for a service costing the same, eg charging firms more than individuals*". Moreover, the Government is looking to set fees to enable full-cost recovery for the police. This cannot be achieved if police forces are subsidising certificate holders who use firearms for work purposes. Income from licensing fees is crucial in ensuring that police forces have the resources they need to administer an efficient and effective licensing system and, importantly, to ensure public safety. As Rt Hon Chris Philp MP, the Minister for Policing, Crime and Fire in the Home Office, said in evidence to the Scottish Affairs Committee "*it is reasonable that [licensing] is paid for by the people needing and benefiting from the licence rather than from the general taxpayer and the public as a whole*".

5.22 In addition, in practice it is likely to be difficult for police forces to differentiate between work use and leisure use in order to decide what fee is payable by an applicant. For example, a certificate holder who is a gamekeeper could use their firearm for work purposes and then use the same firearm for leisure purposes in their own time. Another example of the possible complexity that could be caused is a certificate holder who is a farmer that might have two firearms on the same certificate: one for work use and one for leisure use. This would all create an unnecessarily complex fees system for police forces to administer and for applicants to navigate. It would also be difficult and costly for the police to check and ensure that a certificate holder continued to use their firearm for work purposes, further adding to the cost of the licensing system.

National police training package

5.23 The Coroner in the Keyham Inquest made recommendations to the College of Policing, police forces and the Home Office about the need for accredited national training for police firearms licensing teams. The Coroner considered that a recommendation by Lord Cullen in his 1996 Report on the need for specialist firearms licensing training for police forces had never been implemented effectively, despite it being accepted by the Government of the day. Police training is primarily a matter for the College of Policing and police forces, and a programme of work to introduce accredited firearms licensing training has been taken forward since 2022 by the College and the National Police Chief Council lead to develop such a training package as it was recognised that this was an area where improvement was required.

5.24 The Government accepts the need for such a training package for police forces, and funding of £500,000 to the College of Policing has been made by the Home Office, as announced by Home Office Minister, the Rt Hon Chris Philp MP in June 2023, specifically to ensure this new accredited training is taken forward by the College and adopted by police forces. The training will be reinforced and supported by a refresh of the relevant Authorised Professional Practice by the College of Policing, which was the subject of a consultation from January to March 2023. The finalised Authorised Professional Practice will in due course sit alongside the Statutory Guidance to provide support and guidance to police firearms licensing teams. In consultation with the College and the National Police Chief Council lead, we will decide nearer the time that the new national accredited training is finalised, how to mandate and require firearms licensing staff to undertake such training.

Next steps

5.25 The Government has made no decisions yet on the recommendations on which we are seeking views. We will carefully consider the responses received to this consultation. With regards to the recommendations made on legislation, if the Government concludes that legislative changes are necessary, the Government will consult formally on specific legislative proposals, accompanied by assessments of the impact of those changes on all those potentially affected. If Ministers decide to consult, this public consultation is likely to be held later in 2023.

5.26 Other changes such as revisions to the Statutory Guidance, agreeing new fees for licensing, and the other related work to give effect to the other recommendations will be taken forward in 2023 as far as possible.

Annex A: How to respond to this consultation

We would welcome responses to the following questions which are discussed earlier in this paper.

Recommendations relating to changes to legislation

(a) A power of immediate seizure of firearms, shotguns and ammunition

Q1. Do you consider that the police should be granted a specific power of entry (without a warrant issued by a magistrate or sheriff) to be able to seize shotguns, firearms and ammunition where there is a risk to public safety or the peace and the certificate holder does not cooperate with the police and agree to voluntary surrender?

| Yes | No |
|-----|----|
| | |

(b) Mandatory prohibitions

Q2. Do you consider that the prohibition on possessing firearms should be changed from one that is based solely on length of a custodial sentence following conviction, to one based more on the nature of the offence?

| Yes | No |
|-----|----|
| | |

(c) Length of certificate before renewal required

Q3. Do you consider that the renewal period (currently every five years) for a certificate should be kept under review? If so, is renewal every five years the right period of time or should it be changed to a shorter or longer period of time?

| Yes | No |
|-----|----|
| | |

Length of certificate before renewal

| 5 years (the current period) | Less than 5 years | More than 5 years |
|---------------------------------------|-------------------------|-------------------------|
| | | |

Recommendations relating to referees

Q4. Do you consider that people applying for shotgun certificates should provide two referees?

| Yes | No |
|-----|----|
| | |

Q5. Do you consider that at least one of the referees should be a person of certain standing in the community (e.g. of a professional background)? This could include public officials (both elected and Civil Servants or Local Government officers), members of a regulated profession (including doctors, nurses, solicitors, barristers, accountants and FCA regulated finance professionals), officers of registered shooting clubs, National Farmers' Union representatives, landlords, land managers, vets or surveyors.

| Yes | No |
|-----|----|
| | |

Q6. Do you consider that referees should be able to demonstrate a good knowledge of the applicant's circumstances, relevant to their suitability to possess a firearm or shotgun?

| Yes | No |
|-----|----|
| | |

Q7. Do you consider that the application form should include a checklist for referees on the information that they should provide to the police, and require referees to provide a written declaration that they have disclosed all relevant facts to the police?

| Yes | No |
|-----|----|
| | |

Q8. Do you consider that the Statutory Guidance should include more detailed guidance for the police on the information they should be looking to elicit from referees?

| Yes | No |
|-----|----|
| | |

Q9. Do you consider that the police should look at the circumstances when individuals change referees between application and renewal, and between subsequent renewals?

| Yes | No |
|-----|----|
| | |

Q10. Do you consider that the sharing of the unique application reference number by the applicant with their referees would make it easier for referees to report concerns they have about applicants to the police, or to decline to give references, or, for those who give references but subsequently become concerned that the applicant may no longer be suitable to have access to a firearm or shotgun, to report this later to the police.

| Yes | No |
|-----|----|
| | |

Other recommendations

Q11. Do you consider that the content in the Statutory Guidance should be expanded and made more prescriptive in relation to the suitability checks carried out by the police for firearm and shotgun applicants and certificate holders?

| Yes | No |
|-----|----|
| | |

Q12. Do you consider that the balance of probabilities test is the correct test to apply in the Statutory Guidance to information about a person's suitability to hold a certificate? This is the test that the police have been using for many years and is applied in weighing the evidence and information in any individual case.

| Yes | No |
|-----|----|
| | |

Q13. Do you consider that neurodevelopmental disorders should be added to the list of relevant medical conditions in the Statutory Guidance (and application form)?

| Yes | No |
|-----|----|
| | |

Q14. Do you consider that GPs' engagement with the firearms licensing process should be made mandatory?

| Yes | No |
|-----|----|
| | |

Q15. Do you consider that interim medical checks should be made on licensed firearms holders between the grant of the certificate and any application to renew?

| Yes | No |
|-----|----|
| | |

Q16. Do you consider that the digital marker for use by GPs on the medical records of licensed firearms holders should be visible to other health professionals?

| Yes | No |
|-----|----|
| | |

Q17. Do you consider there should be more mental health advice and support for licensed firearms holders through, for example, advice leaflets and other such support?

| Yes | No |
|-----|----|
| | |

Q18. Do you consider a specific phonenumber should be introduced in addition to the services already available to report concerns about a licensed firearms holder?

| Yes | No |
|-----|----|
| | |

Q19. How in principle should any specific phonenumber be funded?

| Public funding | Other source of funding |
|----------------|-------------------------|
| | |

Q20. Do you consider that it would be better to raise awareness of existing avenues open to raise concerns about a licensed firearms holder (999, 101, Crimestoppers, force firearms licensing contacts) than create a new phonenumber service?

| Yes | No |
|-----|----|
| | |

If you have any comments on the subject matter of this consultation, please enter below.

About you

Please use this section to tell us about who you are.

| | |
|--|---|
| Full name | |
| Job title or capacity in which you are responding to this consultation exercise (for example, member of the public) | |
| Date | |
| Company name/organisation (if applicable) | |
| Address | |
| Postcode | |
| If you would like us to acknowledge receipt of your response, please tick this box | <input type="checkbox"/> (please tick box) |
| Address to which the acknowledgement should be sent, if different from above | |
| | |
| | |

If you are a representative of a group, please tell us the name of the group and give a summary of the people or organisations that you represent.

Contact details and how to respond

Please send your response by 23 August 2023 by either –

Completing the online form at:

- <https://www.homeofficesurveys.homeoffice.gov.uk/s/firearms-licensing/>
- Email to: firearmsconsultations@homeoffice.gov.uk
- Post to: Firearms licensing consultation
Firearms Policy Unit
5th floor, Fry Building
2 Marsham Street
London SW1P 4DF

Complaints or comments

If you have any complaints or comments about the consultation process you should contact the Home Office at the above address.

Extra copies

Further paper copies of this consultation can be obtained from this address and it is also available online at <https://www.gov.uk/government/consultations/firearms-licensing-recommendations-for-changes>

Alternative format versions of this publication can be requested from firearmsconsultations@homeoffice.gov.uk.

Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Home Office.

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



© Crown copyright 2023

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3.

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at www.gov.uk/government/publications

Any enquiries regarding this publication should be sent to us at public.enquiries@homeoffice.gov.uk

