



Association of Chief Police Officers Firearms & Explosives Licensing Working Group

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Further submission to the Home Affairs Committee Inquiry concerning Firearms Control

ACPO FELWG is pleased to provide the following further submission in response to the Committee's questions and discussion.

A1.0 Information sharing between medical professionals and police.

A1.1 Following the meeting that took place on 17th November 2010 involving the British Medical Association (BMA), the Information Commissioner's Office (ICO), ACPO and representatives from the British Shooting Sports Council (BSSC) and British Association for Shooting & Conservation (BASC), ACPO is pleased to be able to advise you that agreement was reached between the BMA and ACPO that police would notify a GP of the grant and renewal of a firearm and/or shotgun certificate.

A1.2 We would seek to implement this arrangement within six months.

A1.3 This is very much a "first step", and whilst not offering quite the same level of assurance as an enduring record, nonetheless will offer greater assurances than we have at present. ACPO will now draw up a more detailed paper concerning this, and explaining the rationale around grant as opposed to application being the point of notification, but in brief this will be a system of notification by way of a standard letter. It is not then intended the letter be retained unless the GP chooses to take action. The anticipated action is that the GP would alert the police as to having a concern and the police would then request a medical report, as now. The BMA will now draw up guidance to doctors.

A1.4 The ICO foresaw no objections to this arrangement, though the BSSC and BASC continue to have concerns regarding the security of the letter. In ACPO's view the arrangements within the GP service will ensure that these concerns are not realised.

A1.5 In the longer term ACPO still wishes to pursue a more enduring record, although there are the anticipated issues including the ICO's view that legislative change will be necessary because of the existing definition of a health record in data protection law. The ICO also has grave concerns regarding proportionality in respect of such a step.

A2.0 Exemptions from the requirement to hold a certificate.

A2.1 ACPO makes further observations on two such areas; young people who shoot with s1 and s2 firearms, and miniature rifle ranges. In respect of young people and shooting, it may be helpful if some further details are first set out. This subject was not covered in the ACPO review reports because it was not relevant to Cumbria, nor do young shooters give particular cause for concern. However there are inconsistencies that could be addressed alongside any other legislative changes that might be made in due course.

A2.2 Currently the exemptions from the need to hold a firearm certificate (with certain exceptions) apply to children of any age, thus including those under 10 who have not yet reached the age of criminal responsibility. This means that it is lawful for a child under 10 to shoot with a rifle without the need for a firearm certificate, and in some cases without any supervision. This would be the case for a child full member of an approved shooting club for example. If the child was a probationary member of an approved club then they would have to be supervised, but the supervisor need not be an adult, nor be a certificate holder either. A child of any age can shoot at a miniature rifle range without a certificate, without any supervision at all. In fact a child could be the operator of the range, though could not purchase the firearms in the first instance. In respect of shotguns then a child under 15 has to be supervised by an adult of 21 years or more, but that adult does not need to be a certificate holder. So whilst the lower age limit for a firearms certificate is currently 14 years of age, it should be understood that children younger than that can, and already do, shoot with rifles without ever needing a certificate at all.

A2.3 ACPO recommends that an absolute minimum age for shooting with firearms and shotguns be introduced, where there is no lower limit at all at present, of 10 years of age. ACPO further recommends that new provisions are introduced to require all children under 15 who are shooting to be supervised by an adult over 21 who is a certificate holder. ACPO suggests that the term "occupier" in the Firearms Act 1968 and related legislation is clarified to reflect present day arrangements for shooting. Harmonising the minimum ages for both firearm and shotgun certificates subsequent to the above provisions being in place is then a more straightforward matter, and to a large extent the age selected would be of less consequence. The minimum "minimum age" would clearly be 10, but in practice, particularly if the occupier definition matter is attended to, the number of shotgun certificates to be applied for by children under 15 would be likely to be less than is currently the case, and in terms of firearm certificates is likely to be smaller still as it would only have relevance for non Home Office approved shooting club applications. It should be borne in mind that a certificate still would not permit the purchase or hiring of firearms and ammunition by anyone under 18.

A2.4 Since the above provisions would provide a minimum age where currently there is none, and would add greater controls in terms of formal supervision, then the interests of public safety would be better served than they are now, despite the apparently very low risk.

A2.5 In the case of a miniature rifle range then there is no currently requirement for any supervision of anyone at all, and in fact such ranges are exempt from any certificate control through the police.

A2.6 ACPO considers that the exemptions for miniature rifle ranges provide a clear opportunity for a person who has had a certificate refused or revoked, or who would be refused a certificate if they applied, to legally acquire rifles and ammunition that in all other respects should be controlled by the firearms certificate arrangements. There is no police involvement in supervising such ranges or the people using them, the numbers of firearms possessed and the quantities of ammunition involved are not known or recorded on the NFLMS.

A2.7 The exemption came into being under the Firearms Act 1920 and reflected the use of a particular round of ammunition that was in use for military training. Accordingly, the exemption does not even limit the ammunition to being .22" rimfire.

A3.0 Home Office Approved Shooting Clubs

A3.1 There is a difference between the types of shooting for which a club can gain approval and the types of shooting that are lawfully permitted. To some extent ACPO considers that this reflects concerns that approval might be an indication that the shooting discipline itself is approved as opposed to the club.

A3.2 Given the overall criteria a club needs to meet to secure approval are very desirable it seems sensible that the approval criteria in terms of shooting disciplines is expanded to include all lawful shooting disciplines, and thus encourage all clubs to seek approval.

A4.0 Shortening the certificate renewal period.

A4.1 From 1920 to 1994 (having effect from 1995) certificates were valid for three years. Reverting from the current five year life to three once again, or to a lesser period than that, would give a greater number of inspection visits and checks for a given period of time, which would theoretically offer greater assurances than is currently the case. However it is very difficult to quantify that benefit.

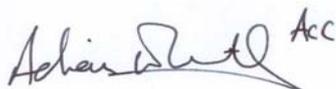
A4.2 The additional visits and related activity would create greater demand on the police service and whilst ACPO has made submissions separately concerning increasing the fees, ACPO would recommend that in order to accommodate any such increase in certificate renewals there would need to be a fundamental change to the fees regime. In effect this would amount to a full cost recovery approach, and ACPO would seek to achieve the charging of fees for some activities that cannot currently be charged for, such as approving artificial target (clay pigeon) shoots. ACPO considers that this would be necessary to avoid the greater costs falling to the public purse.

A5.0 Including lower powered air weapons in the certificate system.

A5.1 Against a background of significant reductions in air weapon enabled crime, the increased controls on sale, (through registered firearms dealers), the increases to the minimum age for purchase/hire, and with the forthcoming controls on security to prevent unauthorised access by young people, ACPO does not consider that bringing air weapons under the certificate system is proportionate. Continued enforcement of existing controls, together with that due in the future, is necessary and very desirable.

A6.0 The impact on police workload of a single certificate system.

A6.1 ACPO considers that the increase in research and checking that the single certificate proposals would introduce in respect of shotgun certificate holders would largely be offset by the administrative savings. It would be very important to secure the proposed fees increase as a pre cursor to enable this change to take place.

A handwritten signature in blue ink, appearing to read 'Adrian Dainton', with the letters 'Acc' written in the upper right corner of the signature.

18th November 2010