**NRA Response**

[**Firearms Licensing: a consultation on recommendations for changes made to the Home Office.**](https://www.gov.uk/government/consultations/firearms-licensing-recommendations-for-changes/firearms-licensing-a-consultation-on-recommendations-for-changes-made-to-the-home-office-accessible)

Firearms licensing procedures must focus on ensuring the safety of the public while providing an efficient and effective service to the shooting community.

It is accepted by Government and shooting organisations that:

1. the vast majority of licensed firearms holders are law abiding and cause no concern;
2. offences involving firearms in Britain are extremely low by international standards; and
3. almost all of the firearms used in crime are held unlawfully.

**Recommendations for changes to legislation**

**Q1. Do you consider that the police should be granted a specific power of entry (without warrant) to be able to seize shotguns, firearms, and ammunition where there is a risk to public safety and 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.**

**Answer: No**

It is our view that the police already have sufficient powers to enter a property when there is a risk to life or the peace. Where there is no such immediate risk, the Chief Officer has the power to immediately revoke a certificate, thus placing the holder in illegal possession. This in turn provides the opportunity for entry.

A certificate holder should have the certainty that a certificate is either valid or that it is revoked. These is no suggestion that suspension would be appealable. Revocation brings with it a right of appeal.

Cases where firearms are seized from certificate holders often involve domestic disputes where it is appropriate that firearms are removed to prevent risk. However, it is also right, as required under statutory guidance, that subsequent suitability reviews should be conducted in a timely manner and that the certificate holder should be kept informed of the progress of the review process.

**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?**

**Answer: No**

The present system of prohibitions based on the length of a custodial or suspended sentence is both simple and well understood. The length of a sentence reflects the seriousness of a crime that has been committed. Linking prohibition to the nature of the crime would in our view introduce an unacceptable level of uncertainty into the licensing system.

**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?**

**Answer: Yes**

**Length of Certificate before Renewal: More than 5 years**

Police character checks are continuous, and it follows that certificate life could safely be extended to 10 years or more. Where an individual comes to adverse police attention, there is immediate reference to the fact that they are a firearms holder and the force granting their certificate is in a position to review their continued possession immediately. Digital medical markers ensure medical checks are also continuous.

A 10 year certificate would substantially reduce the administrative work of firearms licensing departments, allowing them to focus more effectively upon monitoring suitability.

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

**Answer: No**

We do not believe that the process of determining suitability for possession of a shotgun would be made any more robust with the introduction of a second referee. Government has already stated that it does not intend to align the licensing of shotguns with that of firearms.

**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)?**

**Answer: No**

We do not believe that an application for a certificate should be contingent upon an individual knowing or having regular contact with a professional person such that they might ask that person to referee their application. Professional qualifications do not of themselves confer any particular moral integrity, and a requirement to nominate a referee with ‘professional’ status would make it difficult for many decent and responsible people to make an application.

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

**Answer: Yes**

The whole purpose of a reference is to shed light on an applicant’s personal circumstances relevant to their suitability as a certificate holder.

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

**Answer: Leave blank**

We agree with the proposal to provide a checklist for referees, indicating the information which they should provide. This should be simple and straightforward in nature.

Referees should not be required to provide such a declaration because it is likely to suggest to referees that they bear some responsibility for the decision to grant a certificate, which is not the case.

**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?**

**Answer: No**

We believe that sufficient guidance already exists within the Statutory Guidance, and that no additional detail is needed.

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

**Answer: No**

There is no reason why an applicant might be expected to rely on the same referee between grant and renewal and at subsequent renewals, and the suggestion that the police should look more closely at a situation where this is the case makes no sense. Over the course of five years people move away, lose contact or change social groups. There should be no cause for suspicion simply because a different person is asked to referee a renewal.

**Q10. Do you consider that the sharing of the unique application reference number by applicants with their referees, would make it easier for referees to report concerns about applicants, decline to give references or report concerns about certificate holders to the police?**

**Answer: No**

We do not believe that use of a unique reference number would provide any benefit whatsoever. A referee is well able to report concerns to the police without such a number.

**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?**

**Answer: No**

The current text regarding suitability checks is both comprehensive and deals with the question of open source social media.

**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?**

**Answer: Yes**

The balance of probabilities test has served firearms licensing well since the Firearms Act 1920. As licensing is an administrative matter, it is appropriate that the civil law test continues to be applied.

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

**Answer: No**

The range of neurodevelopmental disorders is extremely wide and many of those who are, for example, on the Asperger spectrum are entirely suitable to possess firearms. We do not, therefore, feel that such disorders should be singled out in the application process. Firearms form 201 in any case provides the medical practitioner with the opportunity to indicate *‘Any other mental or physical condition, or combination of conditions, which may affect the safe possession of firearms or shotguns’* if he or she feels that to be appropriate.

**Q14. Do you consider that GP’s engagement with the firearms licensing process should be made mandatory?**

**Answer: Yes**

There are three parties to a firearms licensing application: the applicant, the police and the GP, and only two of these are currently bound by the legislation. The GP may, if he or she wishes, decline to participate. We believe that a requirement for the GP to participate on a ‘best endeavours’ basis is entirely inadequate and potentially removes an important pillar in the process of continued assessment of a certificate holder. The placing of the marker should fall within the NHS contract, so that it becomes mandatory on all GPs to undertake this important activity.

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

**Answer: No**

The universal application of the medical marker will effectively be continuous assessment of medical suitability, since any adverse medical conditions presented by a certificate holder to a GP surgery will be notified to the police firearms licensing department. Interim medical checks are unnecessary.

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

**Answer: Yes**

Appropriate medical or health practitioners who need access to the patient records should also have access to the firearms marker. There remain concerns within the shooting community over the security of information which will indicate the address at which firearms and ammunition are likely to be stored. It is essential that the marker is available only to those who require sight of it for professional purposes.

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

**Answer: Yes**

We agree with this proposal. We particularly endorse the mental health leaflet which was recently developed by the law enforcement and shooting associations in Scotland and we support the rollout of this leaflet, or a suitable derivative of it, across England and Wales.

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

**Answer: No**

There are sufficient phone lines available for members of the public to express concerns to the police about licenced firearms holders. The 101 line is well established, as is Crimestoppers and, in an emergency, 999. A dedicated line to report concerns about firearms owners is likely to encourage malicious calls by those with a grievance against a particular individual or those who are opposed to private firearms ownership in general.

**Q19. How in principle should any specific phoneline be funded: public funding or other sources funding?**

**Answer: Leave blank**

We do not think such a line should exist.

**Q20. Do you consider that it would be better to raise awareness of existing avenues open to raise concerns about a licenced firearms holder (999 etc)?**

**Answer: No**

Existing phone lines are well known and need no further specific promotion over and above that which exists already.

**Q21. If you have any comments on the subject matter of this consultation, please enter them below.**

* Deregulation of sound moderators would remove a third of Section 1 controlled items from the firearms database, considerably reducing the workload of police firearms licensing departments with no adverse impact on public safety.
* If firearms licensing is to remain the responsibility of individual police forces then our view is that there must be improved national oversight of the licensing system by way of a regulator or watchdog with the ability to impose financial penalties on forces which fail to meet agreed service levels.

**Andrew Mercer, Secretary General**

**9th August 2023**