



Sentencing guidelines

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This revised advice has been produced and approved by the NABIS and the National Criminal Use of Firearms Group. It has been approved by NCOCC and VPP portfolio lead. The operational implementation of all guidance and strategy will require operational choices to be made at local level in order to achieve the appropriate police response and this document should be used in conjunction with other existing Authorised Professional Practice (APP) produced by the College of Policing. It will be updated and re-published as necessary.

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1. Sentencing guidelines

When officers are interviewing suspects, preparing statements, or commissioning forensic work in relation to firearms-related crime, it is worth bearing in mind the considerations and questions that a sentencing court will want answering in order to determine the appropriate sentence. Where possible, the answers to these questions should be made explicit and easy for a court to retrieve. The Crown Prosecution Service's guidance on firearms includes a chapter about [sentencing](#) which provides:

'The sentencing court should usually ask itself four questions:

- What sort of weapon was involved? Genuine weapons are more dangerous than imitations, loaded firearms than unloaded, unloaded for which ammunition is available than those for which none is available. Possession of a firearm which has no lawful use, such as a sawn off shotgun, is more serious than possessing a firearm capable of lawful use;
- What use, if any, was made of the firearm? The more prolonged, premeditated and violent the use, the more serious the offence is likely to be;
- With what intention, if any, did the defendant possess the firearm? The more prolonged, premeditated and violent the use, the more serious the offence is likely to be;
- What is the defendant's record? The seriousness of any firearms offence is increased if there is an established record of committing such offences or crimes of violence.'

There are mandatory minimum sentencing provisions for certain possession offences in respect of section 5(1)(a), 5(1)(ab), 5(1)(aba), 5(1)(ac), 5(1)(ad), 5(1)(ae), 5(1)(af), 5(1)(c) or 5(1A)(a) of the Firearms Act 1968 for offences committed after 22 January 2004 by offenders aged 16 or over at the time of the offence.

Minimum sentence:

16- and 17-year-olds: 3 years

18 years old and over: 5 years

This may be useful for a case officer requesting a forensic firearms examination where one classification may have a different consequence from another.