



# Firearms licensing

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## Document information

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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.

Any queries relating to this document should be directed to either the author detailed above or the Head of Knowledge and Communications at NABIS on 0121 626 7114

## Firearms licensing and reviews

### Key points

- **Apply professional curiosity to adherence to the conditions of the holder's firearms certificate.**
- **Consider any issues of vulnerability/risk associated with the certificate holder.**
- **Never assume that any vulnerabilities identified were known at the time a certificate was granted/renewed.**
- **Where vulnerabilities/risks are identified, officers and police staff should take immediate action to remove the risks.**
- **Article 2 ECHR creates the requirement on police to protect life. Where an officer or member of police staff believes that there is a threat to life or to the safety of anyone, including the licence holder, they must immediately consider steps to make people safe. Options include:**
  - **a voluntary surrender of the firearms and/or ammunition**
  - **bail conditions**
  - **an agreement to put the firearms and/or ammunition out of reach by storing them elsewhere**
  - **seizure under s17 (1)(e) PACE 1984**
  - **seizure under a warrant obtained under s46 Firearms Act 1968.**

It is the role of firearms licensing teams to process, administer and review the circumstances of each licence. See College of Policing [Firearms licensing](#).

Section 46 of the Firearms Act 1968 allows the issue of a search warrant for certain offences under the Act. These are usually associated with the criminal possession of firearms.

Firearms legislation does not provide a specific power of entry to inspect a licensed gun owner's compliance with the conditions of their certificate, or to check that the security or the quantity or type of weapons matches the records held by the police. Such inspections or checks are usually undertaken by firearms licensing officers or staff and made by appointment, thereby giving the certificate holder time to prepare for the visit. Consequently, if there are vulnerabilities or breaches, they may not be visible when firearms licensing officers or staff visit.

Officers and staff who encounter certificate holders in the course of their regular duty should take reasonable and proportionate steps to assess the holder's suitability to continue to hold a certificate/weapons/ammunition and any related risk.

The following list is not exhaustive, but it provides a list of considerations that might be appropriate when encountering a certificate holder:

- Has/is the certificate holder committed/committing/likely to commit a crime?
- Has/is someone living with the certificate holder committed/committing/likely to commit a crime?
- Is the certificate holder or anyone cohabiting with the certificate holder involved in antisocial behaviour?
- Does intoxication/drug abuse feature in the reason for police attendance or is it apparent during the visit?
- Has violence been used or threatened by or towards the certificate holder, their family, or other people residing with the certificate holder?
- Is there any evidence of domestic abuse within the household?
- Are there issues of neglect in respect of children or vulnerable adults?
- Is there anyone within the household suffering from mental health issues, including, but not limited to, exhibiting suicidal thoughts/tendencies or other cognitive impairment such as dementia?
- Have threat to life warnings or disruption notices been served on the certificate holder or any person residing with them?
- Are the guns securely locked away?
- Who has the cabinet keys? Where are they kept? Are they accessible to a non-certificate holder?
- How many guns are there?
- Where is the ammunition kept?

Police officers or staff must never assume that any vulnerabilities they identify were known when a licence was issued. They must not conclude that, in the case of such vulnerabilities having been known to firearms licensing officers or staff at the time of issue, a licence holder continues to be a suitable person to hold weapons at the time of their encounter with them. Similarly, they should not conclude that the decision to issue a certificate in the first place was correct.

When a firearms licensing officer or staff member is deciding on whether or not to issue a certificate, their obligations to uphold ECHR Article 2 (the right to life), to make people safe and to prevent crime must be foremost in their mind. In the event of an untoward incident involving a firearms certificate holder, officers should be mindful that their decisions and actions will be judged on the basis of what they knew or ought to have known.

Where vulnerabilities are identified, police officers and staff must take any action they consider to be necessary to remove the risks. This may include seizing the firearm/s and requesting a review of the holder's licence.

This might be done by way of a voluntary surrender of the weapons, as a condition of bail, or by agreement that the weapons are put out of immediate reach by storing them elsewhere, subject to ensuring that there will be no risk of unauthorised access.

The Firearms Act 1968 provides no specific power in respect of entering and seizing weapons held in such circumstances. Police officers do, however, have a power under s17 (1)(e) of the Police and Criminal Evidence Act 1984 to secure entry for the purposes of saving life or limb, or preventing serious damage to property. If the identified vulnerabilities/risks present a sense of immediacy or urgency, then this power might be usefully employed.

In situations where the appropriateness of any of the above options to access and seize weapons is unclear, the officer's overriding consideration must be the protection of the right to life of all parties (and the wider public) as provided by Article 2 ECHR. There should be ready support at all levels for any officer's actions where they are conducted openly and transparently in pursuit of preserving this right. The NPCC [Risk Principles](#), the [Code of Ethics for police](#), and [National Decision Model](#) offer additional support.

It is vital that when a decision is made to seize/remove a licensed person's weapons, the person's certificate is also seized. Failure to do this means that the holder will be able to purchase new weapons and ammunition to replace the ones seized.