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| 10th December 2015 |  |  | |
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**Human Rights Council resolution 29/10 on “Human rights and the regulation**

**of civilian acquisition, possession and use of firearms”**

**Questionnaire responses by the**

**United Kingdom of Great Britain and Northern Ireland**

1. The acquisition, possession and use of firearms in Great Britain (England and Wales and Scotland) by civilians is governed by the Firearms Act 1968[[1]](#footnote-1) (as amended): <http://www.legislation.gov.uk/ukpga/1968/27/contents>; Our Guide on Firearms Licensing Law provides guidance on the licensing process:

<https://www.gov.uk/government/publications/firearms-law-guidance-to-the-police-2012>.

1. In Great Britain, the acquisition, possession and use of firearms by private security companies is not permitted. The only exception is that the Secretary of State has, subject to rigorous checks being satisfactorily completed in respect of each company and each guard put forward by the company, granted her authority for certain Private Maritime Security Company’s to employ armed guards on board UK registered ships transiting the area at risk of attack by pirates within the High Risk Area (HRA) which is bounded: in the Red Sea: northern limit: Latitude 15°N; in the Gulf of Oman: Northern limit: Latitude 22°N; Eastern limit: Longitude 065°E; Southern limit: Latitude 5°S.
2. Controls are in place restricting the import/export of firearms in Great Britain.

* Individual firearm/shotgun certificate holders can apply to their local police for a permit that allows them to import/export the firearms held on the certificate without the need for further documentation.
* Registered Firearms Dealers must apply for an import/export licence to transfer firearms in/out of Great Britain. In terms of prohibited firearms, they must also produce a valid certificate, granted by the Secretary of State authorising their possession of prohibited items in this country.
* Visitors to Great Britain can apply for a ‘Visitors Permit’ allowing them to import/export firearms/shotguns as long as they have a sponsor in this country.
* Registered Firearms Dealers outside of Great Britain must apply for an import/export licence if they intend bringing firearms to/from Great Britain. In the case of prohibited firearms, unless they hold the Secretary of State’s authority they cannot acquire, possess or use this category of firearm in this country.
* <https://www.gov.uk/guidance/export-and-import-licences-for-controlled-goods-and-trading-with-certain-countries>

1. As part of the European Union, the acquisition, possession and use of firearms by civilians is also subject to Council Directive 91/477/EEC:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31991L0477:EN:HTML>

1. Civilians are licensed by the police to hold:

* Firearms, typically rifles .22/.23 calibre for target practice or vermin control or other such weapons for deer stalking etc. Accessories to any such weapon designed or adapted to diminish the noise or flash caused by firing the weapon are also held on the firearm certificate;
* Shotguns, typically smooth-bore guns for target practice or vermin control which a) has a barrel not less than 24 inches in length and does not have any barrel with a bore exceeding 2 inches in diameter; b) either has no magazine or has a non-detachable magazine incapable of holding more than two cartridges; or c) is not a revolver gun (that is, a gun containing a series of chambers which revolve when the gun is fired); and,
* Air weapons which are not subject to certification unless they are of a type declared specially dangerous by the Firearms (Dangerous Air Weapons) Rules 1969. An air weapon is “specially dangerous” if it is capable of discharging a missile with kinetic energy in excess, in the case of an air pistol, of 6 foot lbs or, in the case of other air weapons,12 foot lbs.
* The weapons are limited in number due to the individual’s security arrangements and/or the type of shooting the person wants to do.

1. Firearms are broken down into three categories;

* section 1 – firearms, as described in 5 above;
* section 2 – shotguns, as described in 5 above; and,
* section 5 – prohibited weapons – described below; prohibited weapons and ammunition may only be possessed, typically by Registered Firearms Dealers, with the authority of the Secretary of State:

**Section 5(1)(a)** covers all weapons which are so designed or adapted that two or more missiles can be successively discharged without repeated pressure on the trigger.

**Section 5(1)(ab)** covers any self-loading or pump-action rifled gun other than one which is chambered for .22 rimfire cartridges.

**Section 5(1)(aba)** covers any firearm which either has a barrel less than 30 cm in length or is less than 60 cm in length overall, other than an air weapon, a muzzle-loading gun or a firearm designed as a signalling apparatus.

**Section 5(1)(ac)** covers any self-loading or pump-action smooth-bore gun which is not an air weapon or chambered for .22 rimfire cartridges and either has a barrel less than 24 inches in length or is less than 40 inches in length overall.

**Section 5(1)(ad)** covers any smooth-bore revolver gun other than one which is chambered for 9 mm rimfire cartridges or a muzzle-loading gun.

**Section 5(1)(ae)** covers any rocket launcher, or any mortar, for projecting a stabilised missile, other than a launcher or mortar designed for line-throwing or pyrotechnic purposes or as a signalling apparatus.

**Section 5(1)(af)** covers any air rifle, air gun or air pistol which uses, or is designed or adapted for use with a self-contained gas cartridge system.

**Section 5(1)(b)** covers any weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas or other thing.

**Section 5(1)(c)** covers any cartridge with a bullet designed to explode on or immediately before impact, any ammunition containing or designed or adapted to contain any such noxious thing as is mentioned in section 5(1)(b) and, if capable of being used with a firearm of any description, any grenade, bomb (or other missile), or rocket or shell designed to explode as aforesaid.

**Section 5(1A)(a)** covers any firearm which is disguised as another object.

**Section 5(1A)(b)** covers any rocket or ammunition not falling within section 5(1)(c) which consists in or incorporates a missile designed to explode on or immediately before impact and is for military use.

**Section 5(1A)(c)** covers any launcher or other projecting apparatus not falling within section 5(1)(ae) which is designed to be used with any rocket or ammunition falling within section 5(1A)(b), or with ammunition which would fall within that paragraph but for its being ammunition falling within section 5(1)(c).

**Section 5(1A)(d)** covers any ammunition for military use which consists in or incorporates a missile designed so that a substance contained in the missile will ignite on or immediately before impact.

**Section 5(1A)(e)** covers any ammunition for military use which consists in or incorporates a missile designed, on account of its having a jacket and hard-core, to penetrate armour plating, armour screening or body armour.

**Section 5(1A)(f)** covers any ammunition which incorporates a missile designed or adapted to expand on impact.

**Section 5(1A)(g)** covers anything which is designed to be projected as a missile from any weapon and is designed to be, or has been, incorporated in-

(i) any ammunition falling within any of the parts of section 5(1A); or

(ii) any ammunition which would fall within section 5(1A) but for its being specified in any part of section 5(1).

1. Civilians are able to possess firearms and shotguns for the purposes as described in 5 above or as a Registered Firearms Dealer. However, in this country, before anyone can possess a gun they must first apply for a firearm or shotgun certificate or apply to register with their local police as a firearms dealer.

Possession of weapons is subject to a number of checks including the individual having a good reason for having the weapon, checks into their personal suitability and their arrangements for the safe-keeping of the weapon. It is also a requirement of the application process for details of the individual’s GP to be given, from whom the police can seek a medical report. This is not limited by time and the police can approach the GP at any time during the life of a certificate. It is also open for a GP to approach the police at any time should they wish to pass on any information of possible concern including the demise of a certificate holder.

Under the terms of the Firearms Act it is a requirement for the Chief Officer of police for the area in which the applicant lives to periodically review each certificate that is issued, taking into account all the individual circumstances concerned and any changes since the certificate was issued.

1. Civilians can possess and use firearms and shotguns as described in 5 above. They are not permitted to carry the weapons in public places without lawful authority or reasonable excuse.
2. All firearms in this country are subject to strict arrangements being in place for their safe-keeping. The arrangements are inspected, and approved by, the police. The theft or loss of a firearm must be reported to the police.
3. Firearms and shotguns possessed by civilians are held on a firearm or shotgun certificate granted by the police. Details of the firearm(s) are entered onto a national database. In relation to Registered Firearms Dealers, it is a requirement of the Firearms Act 1968 that they maintain a register of transactions.
4. Transfer of ownership of firearms between civilians is subject to amendment of their firearm/shotgun certificate by the police.
5. Private entities must register with the police as a firearms dealer in order to be able to offer for sale firearms and be prepared to undergo a rigorous application process.

To be registered as a firearms dealer, the police must be satisfied that they are not prohibited by a court under the Firearms Act from being registered; the police are satisfied that they can be permitted to carry on business as a firearms dealer without danger to the public safety or to the peace; and be satisfied that the applicant will engage in business as dealers in firearms to a substantial extent or as an essential part of other trades, businesses or profession.

As part of the application process, background checks into the applicant’s suitability will be undertaken as well as inspections of their proposed arrangements for the safe-keeping of firearms.

1. In Great Britain the police monitor and enforce firearms legislation. Illegal possession of firearms in this country carries a minimum sentence of five years through to a maximum of life imprisonment.
2. The police collect data on the civilian misuse of firearms in this country which is released by the Office for National Statistics as part of the Crime Survey for England & Wales. The information is used to identify trends in offending and how these might be addressed nationally and locally. <http://www.ons.gov.uk/ons/rel/crime-stats/crime-statistics/year-ending-march-2015/stb-crime-march-2015.html>.
3. The impact of the misuse of firearms by civilians on human rights: There were 29 fatalities resulting from offences involving firearms in 2013/14; 1 fewer than the previous year and the lowest figure since 1980 (when there were 24 fatalities).
4. The United Kingdom has some of the toughest gun laws in the world and we are determined to keep it that way. The terrible events in Paris on 13 November clearly demonstrated the urgency with which we must tackle the supply of illegal firearms into and around the EU. This includes ensuring we prevent the diversion of weapons from licit sources into the hands of criminals and, ultimately, terrorists. We need to take coordinated action across the European Union to tackle the trade and supply of illegal firearms.
5. In the United Kingdom the view of many successive Governments is that the carriage of firearms for personal protection is prohibited under firearms law and includes *“any weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas or other thing”* which includes possession of items such as pepper spray. There are no plans to review this position.

Yours faithfully

Drugs & Firearms Licensing Unit

Home Office

1. In Northern Ireland this is governed by the Firearms (Northern Ireland) Order 2004: <http://www.legislation.gov.uk/nisi/2004/702/contents/made>. [↑](#footnote-ref-1)