

Firearms Licensing

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Policy Statement

Summary

This policy outlines the application process for granting or refusing a firearms certificate or permit.

The policy aims to explain criteria, how applicants can apply, processing of applications, circumstances where seizure of a certificate or firearm would be necessary, and the appeals process.

Scope

This policy applies to all police officers and police staff.

Principles

Summary

- The Chief Constable has delegated all functions under S55 of the Firearms Act 1968 to the:
 - Chief Superintendent, Operational Support
 - Nominated chief inspector; and
 - Firearms Licensing Manager.
 - These functions include the granting, renewal, variation and refusal of all certificates and permits under the Firearms Acts.
 - The revocation of certificates is the responsibility of an officer of NPCC rank.
 - If an individual is a member of the Firearms Licensing staff, and applies for a certificate or permit, it will be referred to the nominated chief inspector for consideration.
 - If an individual is a member of the Firearms Licensing staff and a close personal contact or relative applies for a certificate or permit, the individual must bring this to the attention of the Firearms Licensing Manager, who will reallocate the enquiry.
 - If an individual is a member of the Firearms Licensing staff and an acquaintance applies for a certificate or permit, the individual must bring this to the attention of the Firearms Licensing Manager, who will consider reallocating the enquiry.
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Certificates Firearms

- Firearms criteria**
- Applications for the grant or renewal of a firearms certificate are covered by S27(1) Firearms Act 1968 as amended by the Firearms (Amendment) Act 1997.
 - This states that a firearm certificate shall be granted where the chief officer of police is satisfied that:
 - The applicant is fit to be entrusted with a firearm to which S1 of this Act applies and is not a person prohibited by this Act from possessing such a firearm;
 - The applicant has good reason for having in their possession, or for purchasing or acquiring, the firearm or ammunition in respect of which the application is made; and
 - In all circumstances, the applicant can be permitted to have the firearm or ammunition in their possession without danger to the public safety or to the peace.
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- Refusing a firearms certificate**
- The nominated chief inspector, on behalf of the chief officer of police, must be satisfied that in all circumstances the applicant complies with the criteria as above.
 - If the applicant does not comply with one of more of the criteria, consideration must be given to refusing the application.
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- Revoking a firearms certificate**
- A firearms certificate may be revoked by a NPCC officer on behalf of the chief officer of police for the area in which the holder resides, if they have reason to believe that the holder:
 - Is of intemperate habits, of unsound mind or otherwise unfit to be entrusted with a firearm; or
 - Can no longer be permitted to have the firearm or ammunition to which the certificate relates in their possession without danger to the public safety or to the peace.
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Shotgun

- Shotgun criteria**
- Applications for the grant or renewal of a shotgun certificate are covered by S28(1) Firearms Act 1968 as amended by the Firearms (Amendment) Act 1997.
 - This states that a shotgun certificate shall be granted or renewed by the chief officer of police, where they are satisfied that the applicant:
 - Is not prohibited by this Act from possessing a shotgun; and
 - Can be permitted to possess a shotgun without danger to the public safety or to the peace.

**Refusing a
shotgun
certificate**

- The nominated chief inspector, on behalf of the chief officer of police, must refuse a shotgun certificate if they have reason to believe that the applicant does not comply with the criteria as above.
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**Revoking a
shotgun
certificate**

- A shotgun certificate may be revoked by a NPCC officer on behalf of the chief officer of police for the area in which the holder resides, if they have reason to believe that the holder:
 - Is prohibited from possessing a shotgun under the Firearms Acts 1968 and 1997; or
 - Cannot be permitted to possess a shotgun without danger to the public safety or to the peace.
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Explosives

**Explosives
criteria**

- A holder of a firearms or shotgun certificate may hold an explosives certificate so they can use black powder in their firearms.
 - The Explosives Liaison Officer will ensure such renewals are completed at the same time as the firearms or shotgun certificate.
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Other Permits

**Temporary
permits**

- In exceptional circumstances temporary permits may be issued, authorising the possession of firearms, ammunition or shotguns, but not the purchase or acquiring of them.
 - Permits are free of charge and normally issued for a period of up to one month.
 - Firearms Licensing must deal with all enquiries in respect of temporary permits.
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**Application to
shoot over land**

- In all cases where the applicant wishes to shoot over land, they must provide the following details:
 - Where they intend to shoot;
 - What they intend to shoot; and
 - Who has given permission.
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Appeals

Principles

- An individual whose firearms or shotgun certificate is revoked may appeal against the decision in accordance with S44 of the Firearms Act 1968. Similarly if the application for a grant of a firearms or shotgun certificate is refused the applicant has right of appeal.
 - The appellant, or agent acting on their behalf, must send a notice of appeal to the police and the Crown Court within 21 days of receiving notification of the decision.
 - The Crown Court will acknowledge receipt of the appeal notice.
 - Firearms Licensing must provide the relevant papers to Legal Services representing the Chief Constable when a notice of appeal is received.
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Firearms Dealers

Principles

- Details of all Registered Firearms Dealers are held on the National Firearms Licensing Management System (NFLMS).
 - An application for registration as a Firearms Dealer must be made on Form FIR 116.
 - All Firearms Dealers' certificates are effective for a period of three years.
 - A renewal enquiry must be raised by Firearms Licensing 20 weeks before the renewal date of the registration certificate.
 - All premises registered for use by a Firearms Dealer must be inspected to establish that security provisions are adequate for the storage of firearms and ammunition.
 - A member of the Firearms Licensing must inspect the premises of the firearms dealer, and make an assessment based on criteria laid down by the Home Office.
 - Firearms Dealers must be visited annually.
 - A full stock check of all firearms must be carried out during each three-year period of registration.
 - Once all enquiries are complete, the nominated chief inspector or Firearms Licensing Manager must decide whether a Firearms Dealer will be registered.
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Application Process

General

- The NFLMS is a database that contains details of:
 - Firearms and shotgun certificate holders;

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- Firearms clubs;
 - Registered dealers; and
 - Explosives certificate holders.
 - NFLMS can be accessed via Firearms Licensing on ext. 22287 Monday to Friday between 07:30 and 16:00. Outside of these hours, contact Force Intelligence Firearms on ext. 39412.
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Principles

- When an application is received by Firearms Licensing, it must be recorded on the NFLMS and existing records must be checked for previous applications, refusals and revocations etc.
 - Firearms Licensing must send a package of information to the relevant Firearms Enquiry Officer (FEO). The package must contain:
 - The application form;
 - Firearms enquiry form; and
 - Any other relevant documents.
 - FEOs must investigate and carry out background enquiries on the applicant's suitability, undertaking all relevant enquiries, including a security survey, and give appropriate advice.
 - All certificate holders' names and addresses must be marked with a warning flag on Niche.
 - Where an initial search of Force systems discloses that a domestic abuse or other safeguarding report or record (e.g. in relation to forced marriage or child protection matters) contains concealed information, the FEO must contact the relevant Safeguarding Unit mailbox to supply a report detailing the content of the concealed information.
 - In all cases where a FEO requires any clarification of information contained on Force systems, the relevant Safeguarding Unit must be contacted.
 - The FEO must determine and report the maximum number of firearms that can be retained by the applicant, based on current security arrangements.
 - This may enable future variations to be dealt with by post, without the need for a police visit.
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Payment of fees

- Payment of fees for firearms certificates, shotgun certificates and dealers' registrations are dealt with by Firearms Licensing.
 - Payments must not be accepted at any police station or office.
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Application to shoot over land

- From information provided in the application, if the land is in the Force area and not yet approved for the calibre requested and the applicant wishes to use a centre fire rifle for sporting purposes, a FEO must inspect the land.
- If the land is in another Force area, Firearms Licensing must arrange the relevant checks with the relevant Police Force.

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Renewals and Variations

General

- Renewals take place every five years.
 - A renewal enquiry must be raised by Firearms Licensing 20 weeks before the renewal date.
 - A renewal letter must be sent to the applicant, advising them how to download the appropriate form from the West Yorkshire Police website.
 - Where no response is received and the certificate has expired, Firearms Licensing must try to contact the applicant by telephone or in person to ensure that all firearms held are lodged to prevent instances of illegal possession.
 - When renewal forms are received, enquiries must be made into the applicant's background via PND, PNC, Corvus etc.
 - All applications must contain the mandatory GP proforma signed and dated by the applicant's GP, or other General Medical Council (GMC) registered GP who has had sight of the medical records.
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Principles

- When the application form is received, a package containing all relevant information must be risk assessed by the Firearms Licensing Officers to determine whether the applicant receives a home visit or a Goodsam interview.
 - The risk assessment must be broadly based, but not exclusively, on the following criteria:
 - Vulnerability;
 - Medical history;
 - Convictions;
 - Intelligence; and
 - Concerns.
 - Relevant documentation must be sent to a FEO to conduct a home visit and interview or a Goodsam interview, depending on the Firearms Licensing Manager's instructions.
 - If the FEO has any concerns about an applicant during a Goodsam interview, then a home visit must be conducted.
 - For a home visit, a check on security arrangements and firearms must be carried out.
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Variations

- Where possible, variations must be dealt with by post.
- It may be necessary for a home visit to ensure that the security provisions provided remain adequate for the number of firearms possessed or requested.

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| Moving address or area | <ul style="list-style-type: none">• A FEO must visit a certificate holder who transfers into the Force area from another, to ensure that the firearms or shotguns possessed are as recorded and that security is adequate. |
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Approval Process

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| Principles | <ul style="list-style-type: none">• When the completed enquiry is received back in Firearms Licensing, it must be processed with a decision pro forma being completed.• The decision to grant a certificate is based on the applicant meeting all the required criteria.• In the majority of cases, the Firearms Licensing Manager must decide whether to grant, renew or vary a certificate.• However, if there are circumstances which raise doubts as to the individual's suitability to possess firearms or shotguns, the papers must be referred to the nominated chief inspector for consideration.• Once approval is given, a firearms and/or shotgun certificate must be issued by Firearms Licensing.• If a security measure, e.g. gun cabinet, was not fitted at the time of the initial visit by the FEO, a security check must be conducted to ensure this has been done.• If all is in order, the FEO will hand over the certificate. This will be stamped as signed by the Chief Constable. |
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Refusal or Revocation Process

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| Refusal | <ul style="list-style-type: none">• If an application is refused, the nominated chief inspector must ask the Firearms Licensing Manager to inform the applicant by letter and posted Special Delivery to ensure receipt by the applicant.• The letter must state the reason for refusal, and the applicant's right to appeal. |
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| Revocation | <ul style="list-style-type: none">• If it is considered that a certificate must be revoked for any of the detailed reasons, the nominated chief inspector must obtain approval from an officer of NPCC rank by providing a briefing appropriate to the task and situation.• Should the revocation request be approved by the NPCC officer, the Firearms Licensing Manager must prepare a draft letter detailing the reason for revocation and the certificate holder's right to appeal. |
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- See flowchart.
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| Risk assessment | <ul style="list-style-type: none">• The nominated chief inspector must conduct a risk assessment if any firearms or ammunition are to be seized as a result of the refusal or revocation and delivery of the letter.• This must include the involvement of Safeguarding where domestic violence issues have formed any part of the risk assessment.• The revocation letter must be forwarded to Force Intelligence Firearms for them to task FSU officers to serve the revocation letter and seize the firearms, ammunition and certificate(s). |
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Seizure of Certificates and Firearms Responsibilities

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| Officer in Case (OIC) and Custody Officer | <ul style="list-style-type: none">• If an individual is arrested or reported for any offence, the OIC and custody officer are responsible for checking if the offender holds a firearms or shotgun certificate. This information is available on PNC and Niche, and can be verified 24 hours a day.• Firearms Licensing will be automatically sent a task via Niche to alert that a certificate holder has been arrested or reported.• The Firearms Licensing Manager will consider revocation and refer to the chief inspector or Duty Cadre in their absence.• For out of hours arrests, the OIC must contact FIM and Duty Cadre for silver assessment and consideration for revocation. |
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| Firearms Licensing | <ul style="list-style-type: none">• Firearms Licensing administration is responsible for checking the names of individuals who have come to adverse police attention in the previous 24 hours, with those listed on the NFLMS.• This is done via the Niche tasks which automatically sends Firearms Licensing a task notifying of any type of involvement of a certificate holder.• If an individual with a firearms certificate receives such attention, a request for information must be sent out to the OIC.• The OIC must be asked to provide details regarding the offence and action taken.• All reports involving domestic abuse, with or without the potential for misuse of firearms, must be brought to the immediate attention of the nominated chief inspector. |
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Recovery of Firearms

Principles

- FEOs must not recover firearms.
 - If there is an immediate public safety issue, contact the Firearms Licensing Manager who will arrange for FSU officers to attend.
 - The firearm or ammunition must then be booked into Property Stores for safe keeping or destruction.
 - All firearms must be proved by an authorised firearms officer (AFO).
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Rifle and Pistol Clubs

General

- All Home Office approved clubs are recorded in Firearms Administration.
 - Gun clubs are subject to the Firearms (Amendment) Act 1997.
 - Certain criteria must be complied with. This can be found in the Home Office leaflet – Firearms – Approval of Rifle and Muzzle-loading Pistol Clubs.
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Inspection

- All approved clubs must be inspected regularly by an FEO.
 - Clubs must maintain contact with each club's police liaison officer.
 - A police employee, duly authorised in writing by the chief officer of police under the Firearms (Amendment) Act 1997, may, on producing their authority, enter any premises occupied or used by an approved club and inspect those premises and anything on them, for the purpose of ascertaining whether the provisions of the Act and any limitations in the approval are being complied with.
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Additional Information

Compliance

This policy complies with the following legislation and guidance:

- Firearms (Amendment) Act 1997
 - Firearms (Amendment) Act 1988
 - Firearms Act 1968
 - Home Office – Firearms Licensing: Statutory Guidance for Chief Officers of Police
 - Data Protection Act 2018
 - Home Office – Guide on Firearms Licensing Law
 - APP Firearms licensing
 - Firearms – Approval of Rifle and Muzzle-loading Pistol Clubs
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Further information

Further guidance in relation to this policy can be sought from:

- Firearms Licensing administration on ext. 22287
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