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**FIREARMS LICENSING
FORCE REFERENCE DOCUMENT**

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POLICY

1. To implement and administer the Firearms Acts with fairness and with primary consideration for public safety. Northern Constabulary would seek to fulfil its responsibilities to protect the rights of individuals. However, where rights are infringed this will only be done where the law allows, where it is necessary for a legitimate purpose, i.e. the prevention of crime or disorder in the interests of public safety, or for the protection of the rights and freedoms of others. The means used to achieve this will balance the general interests of the community against the rights of the individual and will use the least intrusive option available to meet the objectives.
2. This document had been written in an open and transparent manner. However, should there be a requirement to disclose confidential information, this may be withheld.
3. All applicants for the grant or renewal or transfer in of a firearm or shotgun certificate will be considered on their own merits. Every opportunity will be taken to assess a certificate holder's suitability and all enquiries will be thoroughly conducted to ensure that only fit and proper persons have legal access to firearms.

STANDARDS

1. This document has been reviewed in terms of the principles of the Human Rights Act 1998 and is considered to be compliant.
2. The police powers contained within this document are derived from the Firearms Act 1968 (as amended), associated subordinate legislation and the Common Law of Scotland.
3. Any and all members of staff who are involved in making any decisions or recommendations based on this document must give due consideration to all information available to them prior to making any decision or recommendation. Such a decision or recommendation must not be discriminatory.
4. Any decision or recommendation contained within this document can be appealed by summary application to the sheriff.
5. Any or all information obtained during police enquiries will be recorded on Northern Constabulary notebooks, administrative forms and computer systems to ensure that there is a clear and accountable audit trail of the decision making process.

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6. This document will be reviewed annually by 30 September of each year or on an interim basis in light of new legislation or information becoming available.

7. GRANT/RENEWAL APPLICATION

7.1 Application Form

- (a) Application forms will be held and issued from all stations and from the Licensing Department, Headquarters.
- (b) All completed application forms will be returned to the Licensing Department.
- (c) For renewal, certificate holders will be sent a reminder notice with a return addressed envelope.
- (d) If completed, the application form and fee is submitted at a local police station.
- (e) A receipt for the fee will be issued and the appropriate section of the application form completed.
- (f) The form will then be forwarded to the Licensing Department.
- (g) The referee forms will be submitted direct to the Licensing Department by the referee.
- (h) New applicants will be notified of delays due to the time taken to carry out enquiry and background checks.

7.2 Application Received at Police Station

- (a) Issue receipt for fee.
- (b) Check application.
- (c) Log on IMPACT.
- (d) Write incident number at top of form and allocate to C2218 Norman Macleod.
- (e) Forward to Licensing Department.

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7.3 Application Received at Licensing Department

- (a) Issue receipt and send to applicant.
- (b) On receipt of completed application, the Licensing Department will carry out the following checks:
 - (i) CHS/PNC dual enquiry;
 - (ii) Special Branch check;
 - (iii) check historical record for information that may be relevant to the enquiry into the application;
 - (iv) Professional Conduct and Standards Department will notify the Licensing Department of any certificate holders who come to its attention.
- (c) When reference forms have been received and checks have been completed, the Licensing Department will log on IMPACT, allocate to the appointed officer at Area Command and enter the incident number on the application. All relevant papers are then collated and an enquiry pack produced. This will be forwarded to the appointed officer at Area Command.

7.4 Action at Area Command

Immediately on receipt of an enquiry pack, the appointed officer will allocate to an officer for enquiry.

7.5 Action by Enquiry Officer

- (a) Interview applicants.
- (b) Check land.
- (c) Check security.
- (d) Check suitability of referees.
- (e) Contact referee/counter-signatory.
- (f) Complete Form OP/45/1 and submit to supervisory officer.

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7.6 Action by Supervisory Officer

- (a) Check paperwork and make recommendations.
- (b) For renewal of certificate where there is no cause for concern, return direct to Licensing Department. **NB: A senior officer at Area Command will carry out a random audit on a monthly basis.**
- (c) For grant of certificate or where there are any concerns, the application will be routed through the Area Commander or his/her representative for his/her recommendations.
- (d) Completed enquiry to be returned to the Licensing Department within 28 days of receipt at Area Command.

7.7 Action at Licensing Department

- (a) Where recommended, a certificate is issued and sent direct to the applicant.
- (b) Where there are concerns, the file is passed to the Head of Support Services. **NB: The Head of Support Services will carry out a random audit of completed grant/renewal applications on a monthly basis.**

7.8 Action by the Head of Support Services

- (a) Consider application and reports.
- (b) If the decision is taken to grant/renew, then the Area Commander will be notified and the file returned to the Licensing Department for issue of certificate.
- (c) If in agreement not to grant a certificate, a first letter (considering recommending revocation/refusal) will be requested for issue by the Licensing Department.
- (d) Verbal or written responses will be considered and it might then be decided to grant/renew.
- (e) If decision is not to grant/renew, notify the Licensing Department.
- (f) Sign the appropriate letters.

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7.9 Action at Licensing Department

Memorandum and refusal letters to be sent to the relevant Area Commander for service or, alternatively, by registered post or recorded delivery.

7.10 Action at Area Command

Refusal letters and Certificate of Service are completed and served; copies returned direct to the Licensing Department. If firearms and ammunition have not previously been seized, then they will be seized during service of revocation letter under the terms of Section 12 of the Firearms (Amendment) Act 1988.

8. CO-TERMINOUS GRANT OR RENEWAL

On the grant or renewal of a firearm certificate, the holder can submit an application for grant or renewal of a shotgun certificate to run co-terminously. The reduced fee applies and one copy of Form OP/45/1 is submitted covering both applications.

9. FEES

All fees taken in respect of applications will be receipted in the normal manner. Any requests for refunds in relation to firearms licensing will be submitted to the Licensing Department where a cheque request will be completed and submitted to the Finance and Asset Management Service Unit.

10. CHANGE OF ADDRESS

10.1 Notification of Change of Address Received at Police Station

- (a) Police officer to check security at the new address and use this opportunity to check firearms.
- (b) Submit memorandum with certificate to the Licensing Department.
- (c) The Licensing Department will update records and issue a new certificate direct to holder.

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10.2 Notification Received at Licensing Department

Send memorandum to Area Command asking for above procedure to be carried out.

11. TRANSFER IN

11.1 If notification has been received at a police station, pass to the Licensing Department.

11.2 Notification received at the Licensing Department.

11.3 Staff to send transfer form to other police force asking that the holder's file be forwarded to Northern Constabulary.

11.4 When the file has been received, a memorandum accompanied by any relevant information must be sent to the Area Command for an enquiry to be carried out.

11.5 Action by Officer Carrying Out Enquiry

(a) Ask transferee to fill out Firearms Form 101 or 103 (no referees/counter-signatory or photographs required).

NOTE: This is not a statutory requirement but it ensures that we have the correct details.

(b) Checks will be carried out on security and whether "good reason" still exists. Details of firearms/shotguns held will be checked against certificate details.

(c) Send memorandum and certificates to the Licensing Department for the issue of new certificates direct to holder.

12. TRANSFER OUT

When a certificate holder moves outwith the Force area, a report will be sent to the Licensing Department. A copy of the person's file will be forwarded from the Licensing Department to the other force concerned.

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13. NOTIFICATION OF SALE OR TRANSFER OF FIREARMS/SHOTGUNS

Any notifications will be sent to the Licensing Department for update of records.

14. VARIATION OF FIREARM CERTIFICATE

- 14.1 An application for variation will be on Firearms Form 101 (no photographs or referees/counter-signatory required).
- 14.2 If the variation requests an increase in the total number of firearms held, a variation fee is required to be paid by the applicant.
- 14.3 Police officer to carry out enquiry into "good reason" and security. He/she must complete Form OP/45/4 and submit through supervisory officer to the Licensing Department for the update of records and the issue of a new certificate to the applicant.
- 14.4 If recommendation is to refuse the variation, it will be progressed through the same channels as for refusal of grant/renewal of certificate.

15. CERTIFICATE HOLDER BECOMING UNSUITABLE – RECOMMENDATION FOR REVOCATION

- 15.1 If an officer becomes aware of circumstances that affect a certificate holder's suitability to be in possession of firearms, he/she will submit a report through his/her supervisory officer and Area Commander who will pass the report with recommendations to the Licensing Manager. **NB: If there is a perceived danger to public safety the firearms/shotguns and certificates will be seized immediately using Common Law Powers.**
- 15.2 The file will be passed to the Head of Support Services for consideration as per refusal of Grant/Renewal.
- 15.3 **NOTE:** In line with current legislation, a firearm certificate may be revoked if :

“the holder is of intemperate habits or unsound mind or is otherwise unfit to be entrusted with such a firearm; or the holder can no longer be permitted to have the firearm or ammunition to which the certificate relates in his possession without danger to the public safety or to the peace.”

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- (a) The certificate can also be revoked if the holder no longer has good reason for the firearms or ammunition or is prohibited from possessing firearms due to a term of imprisonment.
- (b) A shotgun certificate may be revoked if the holder "cannot be permitted to possess a shotgun without danger to the public safety or to the peace". It can also be revoked if the holder is prohibited from possessing shotguns due to a term of imprisonment.

16. DEATH OF CERTIFICATE HOLDER

- 16.1 On the death of a certificate holder, a report will be submitted to the Licensing Department together with the deceased's certificate.
- 16.2 If a relative or other responsible person desires to retain the firearms until disposal can be arranged, Form OP/45/2 will be completed and submitted to the Licensing Department for issue of temporary permit.

17. SURRENDER FOR DESTRUCTION OF FIREARMS, SHOTGUNS AND AMMUNITION

- 17.1 Firearms and/or ammunition can be surrendered at any police station. Form OP/45/3 must be used for recording purposes.
- 17.2 When receiving firearms for destruction, they must be handled safely.
- 17.3 The person surrendering firearms completes part A.
- 17.4 The receipt portion of the form is completed and given to the person surrendering the firearms.
- 17.5 The firearms will be clearly labelled.
- 17.6 The form is designed to ensure an audit trail for the firearms/ammunition concerned.
- 17.7 Firearms will be passed for destruction as soon as possible.
- 17.8 Ammunition will be transferred to the Firearms Department, Operational Support Service Unit.
- 17.9 Destruction must be carried out in the presence of two police witnesses.

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- 17.10 When the firearm has been disposed of, the completed Form OP/45/3 will be sent to the Licensing Department for information and filing. A copy of the form will be retained at Area Command offices.
- 17.11 If weapons of historical interest are surrendered, they will be passed to the Officer in Charge, Firearms Licensing Department. Arrangements will be made for the Royal Armouries to inspect them with a view to their placement in museums.

18. STORAGE OF FIREARMS AT POLICE STATIONS

- 18.1 Any person requesting that his/her firearms be kept for safekeeping at a police station will be discouraged.
- 18.2 Safekeeping can be achieved by lodging firearms with a registered firearms dealer.
- 18.3 Firearms may be held at police stations where they have been seized during revocation or in the interest of public safety.
- 18.4 Firearms that belonged to deceased certificate holders may also be stored to allow relatives or executors time to arrange disposal or obtain temporary permits.
- 18.5 Firearms will be clearly labelled and securely held, labels must be signed, by suitably experienced personnel, to the effect that the gun has been proved clear.

19. SAFE HANDLING OF FIREARMS

- 19.1 Treat all firearms as loaded and dangerous.
- 19.2 Never point a firearm at anyone.
- 19.3 Never touch the trigger.
- 19.4 Ensure the firearm is clear and not loaded.
- 19.5 If it is an unfamiliar firearm, ask the person surrendering to prove that it is clear.
- 19.6 If in doubt about any firearm, lock it away and request assistance from suitably experienced personnel.

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20. REGISTERED FIREARMS DEALERS

- 20.1 Application forms for Certificate of Registration can be obtained from the Licensing Department.
- 20.2 Completed applications will be received at police stations and allocated to an officer for enquiry.
- 20.3 Form OP/45/5 must be used and checks will be carried out in relation to character, suitability of the applicant and security of premises.
- 20.4 The completed enquiry will be submitted through the Area Commander to the Licensing Department.

20.5 Action at Licensing Department

- (a) Where an application is recommended, details will be entered into the Register of Firearms Dealers.
- (b) Certificates will be issued and sent direct to the applicant and a copy will be sent to the Area Commander for retention.
- (c) Where concerns are expressed, the file will be passed to the Head of Support Services for a decision on whether or not to grant the certificate.
- (d) Existing registered firearms dealers will be sent an application form and reminder notice from the Licensing Department one month prior to expiry of the certificate.
- (e) Security of registered firearms dealers' premises must be checked and approved by a Crime Prevention Officer.
- (f) Registered firearms dealers' premises will be visited at regular intervals, dependent on the level of business, but at least once a year.
- (g) During the visit, a percentage of stock will be inspected and the Register checked. This will be carried out as per Home Office guidance.

20.6 Registered Firearms Dealer Becoming Unsuitable

- (a) A dealer's name or place of business can be removed from the Register of Firearms Dealers if there is a danger to the public safety or to the peace or if the dealer fails to comply with the conditions of registration.

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- (b) If there are circumstances where a registered firearms dealer or place of business becomes unsuitable, a report will be submitted through the Area Commander who will make recommendations and pass to the Licensing Department for consideration as per refusal of grant/renewal of a firearms certificate.

21. FOREIGN VISITORS' PERMITS

21.1 Applications for foreign visitors' permits for firearms and shotguns are submitted by a sponsor who must reside in our Force area.

21.2 If an application is by a regular sponsor and where accommodation has previously been checked, no enquiry is necessary and an application can be submitted direct to the Licensing Department for processing.

21.3 If an application is by a new sponsor, an enquiry must be carried out.

21.4 Action by Enquiry Officer

- (a) Check visitor's documents against application e.g. European Firearms Pass, equivalent firearm/shotgun certificate or hunting permit.
- (b) Check sponsor bona fides.
- (c) Check permission for land.
- (d) Check security at premises where visitor's firearms will be kept.
- (e) Submit the application with a report through supervisory officer to the Licensing Department for processing.

21.5 Action by Licensing Department

- (a) Check application.
- (b) Record details in Register of Visitors' Permits.
- (c) Allocate unique number to permit.
- (d) Issue permits and despatch to sponsor.

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GUIDANCE

1. FIREARMS LICENSING HANDBOOK

A Firearms Licensing Handbook is available on the global directory of the Common Operating Environment for ease of reference.

2. HOME OFFICE GUIDANCE

Full Home Office Guidance to the Police has been issued and is also available on the Global Directory.

3. REVIEW OF BEST PRACTICE

Guidance for firearms licensing is contained in Review of Best Practice, as approved by ACPOS.

4. FIREARMS SECURITY

4.1 Firearms Security Handbook and Firearms Security Notes for Guidance are also available on the Global Directory.

4.2 Where firearm security is not deemed satisfactory at time of inspection, it is the responsibility of the supervisory officer to keep a record of this and to arrange a follow up visit to ensure compliance.

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