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## CONTROL OF FIREARMS IN BRITAIN

Since the foundation of the present system for the control of firearms and ammunition was laid in 1920, a comprehensive set of provisions has been developed to regulate possession, handling and distribution, to prevent crime and to protect the public. Police certificates are required in order to acquire or own most guns; firearms dealers must be registered with the police; and there are special procedures for law enforcement.

### History

Before the present system for the control of firearms began there was virtually no regulation of sale or possession, and no legislation to prevent acquisition for criminal purposes. The Firearms Act 1920 made it an offence to buy, possess, use or carry rifles and pistols, or their ammunition, without a certificate from a chief officer of police, who had to be sure that an applicant had a good reason for acquiring the firearm and could be permitted to have it without danger to public safety or the peace. The Act also restricted dealing in firearms or ammunition to registered dealers. An amendment Act in 1936 strengthened arrangements for the issue of certificates (in particular the power to attach conditions to them); brought within the control certain weapons such as short-barrelled shotguns; prescribed especially stringent restrictions on machine guns and similar weapons; and sought to ensure that unscrupulous or incompetent dealers could not exploit gaps in the control.

In the 1960s changes came in response to growing concern over the use of firearms in crime, and the growing incidence of hooliganism involving the use of airguns and shotguns. A series of statutes placed restrictions on the use and possession of these weapons by young people, while still allowing their use for training purposes; substantially increased the penalties for firearms offences, created new offences in connection with carrying firearms in public places or while trespassing, and made additional provisions to enable the police to ensure that dealers' premises were secure; and made it an offence to buy or possess any shotgun without a certificate issued by a chief officer of police.

On seven occasions since 1933 there have been firearms 'amnesties' — appeals for the surrender of firearms coupled with assurances that people surrendering them would not be prosecuted for illegal possession. The most recent amnesty was held in 1968, just before provisions relating to the certification of shotguns came into force; over a third of the 25,000 weapons handed in were shotguns.

### Present Controls

All legislation providing for the control of firearms in England, Wales and Scotland has been consolidated in the Firearms Act 1968 (Ch 27, HMSO, 35p, ISBN 0 10 542768 3). The Act contains a series of graded controls over the acquisition and possession of firearms. There are four main categories of weapon:

- (1) Prohibited weapons. This category includes, for instance, machine guns, sub-machine guns and weapons and ammunition designed for the discharge of noxious gases or liquids. A special authority from the Home Secretary or the Secretary of State for Scotland is needed for the manufacture, sale, acquisition or possession of such weapons or ammunition.
- (2) Rifles, pistols, most of their ammunition, short-barrelled shotguns (those with barrels less than 24 inches [60.96 cm] long) and especially dangerous air weapons. A firearm certificate issued by the local chief officer of police is required for the acquisition or possession of any of these weapons. The chief officer must be satisfied that an applicant for a certificate has a good reason for having the weapon and is fit to be entrusted with it, and that the

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public safety or the peace will not be endangered. Personal protection is not regarded as a good reason for having a firearm. Conditions may be attached to the certificate; one of the standard conditions on all certificates requires weapons and ammunition to be kept in a secure place except when in actual use. There is a right of appeal to a court of law against the refusal of a certificate. The fee for the grant of a firearm certificate, valid for three years, is £7; its renewal costs £5.50. At the end of 1974 there were over 185,000 firearm certificates in force in England and Wales, and nearly 39,000 in Scotland.

(3) Shotguns. A shotgun certificate is required for the acquisition or possession of long-barrelled shotguns (those with a barrel not less than 24 inches [60.96 cm] in length). Except in the case of people who are prohibited from possessing firearms of any kind (see below), such a certificate may be refused by a local chief officer of police only if he considers that the public safety or the peace would be endangered if he granted it. There is a right of appeal to a court against a refusal. A shotgun certificate is valid for three years and authorises the possession of an unlimited number of shotguns. There is no condition requiring safe-keeping, nor is shotgun ammunition controlled. The grant of a certificate costs £2; its renewal costs £1.50. At the end of 1974 there were nearly 767,000 shotgun certificates in force (excluding visitors' certificates) in England and Wales and over 83,000 in Scotland.

(4) Air weapons. Apart from more powerful types classified as especially dangerous, air-guns are not subject to certificate control, although there are some general restrictions on their possession and use by young people under 17 years of age.

The 1968 Act specifically prohibits the possession of firearms by a person who has served a prison sentence — a prohibition for life if the sentence was three years or more, for five years if it was for between three months and three years. Application may be made to a court to have this prohibition set aside.

There are a number of special exemptions from the certificate requirement. The more important are that a member of a rifle club or cadet corps approved by the Home Secretary or the Secretary of State for Scotland may possess a firearm, without a certificate, when engaged in target practice or drill as a member; and that a person running a miniature rifle range or gallery with .22 rifles may acquire and possess such rifles, without a certificate, and any person may use such a rifle at the range or gallery.

A person who deals in firearms by way of trade or business must be registered with the police as a firearms dealer, and must keep records of his transactions. In general, registration can be refused by the chief officer of police only if he is satisfied that the applicant cannot be permitted to carry on business as a dealer without danger to the public safety or to the peace. There is a right to appeal to a court against a refusal of registration.

The 1968 Act lays down heavy maximum penalties for certain criminal uses of firearms, and these penalties were increased by the Criminal Justice Act 1972. The offences of possessing a firearm with intent to endanger life, or using a firearm to resist arrest, carry a maximum penalty of life imprisonment. The offences of carrying a firearm with intent to commit an indictable (more serious) offence, or while committing certain specified offences, carry a maximum penalty of 14 years' imprisonment.

Replica firearms capable of firing are subject to control under the 1968 Act, but those which are designed so that they cannot be fired are not controlled. The law, however, punishes heavily the use of imitation firearms for criminal purposes. It is an offence to carry an imitation firearm with intent to commit an indictable offence or to possess an imitation firearm at the time of committing or being arrested for one of a number of specified offences. The maximum penalty for these offences is 14 years' imprisonment.

The provisions of the 1968 Act do not apply to antique firearms which are 'sold, transferred, purchased, acquired or possessed as a curiosity or ornament'.

### *Young People*

A young person under 17 years is not allowed to purchase or hire firearms or ammunition, and a child under 14 years is not permitted to have in his possession firearms or ammunition (other than a long-barrelled shotgun or an airgun), unless he is using them, for instance, at a miniature rifle range, or as a member of a cadet corps or rifle club, or is carrying them for an adult who is using

them for sporting purposes. A child under 15 years is not allowed to have with him a shotgun unless supervised by an adult, or unless the gun is securely fastened with a gun cover so that it cannot be fired.

A young person under 17 years may not have an airgun with him in a public place unless it is covered with a secure gun cover so that it cannot be fired. No child under 14 years is allowed to have an airgun or ammunition for one. He may, however, lawfully fire one on private premises under the supervision of an adult provided that the pellets do not go beyond the property concerned. He can also use an airgun at a shooting gallery or as a member of an approved rifle club.

There are various offences involving the supply of firearms to young people.

### *Importation*

The holder of a firearm or shotgun certificate may import his weapon into the United Kingdom on production of his certificate. A person who has no certificate must obtain an import licence from the Import Licensing Branch of the Department of Trade, 16-20 Great Smith Street, London SW1P 3DB. On arrival in the United Kingdom, a visitor's rifle or pistol must generally be surrendered to the customs until the necessary certificate has been obtained from the local police. A visitor who does not intend to stay for more than 30 days in any 12-month period does not require a shotgun certificate or import licence for a shotgun in his possession. There is no similar provision for a visitor to possess any other kinds of firearm without a certificate.

### *Northern Ireland*

The controls in Northern Ireland are broadly similar to those in the rest of the United Kingdom, except that the more strict controls described under heading (2) on page 1 are applied also to shotguns. The fee for the grant of a certificate is £10; renewal costs £5. The controls are set out in the Firearms Act (Northern Ireland) 1969 (Ch 12, Belfast HMSO, 20p, ISBN 0 337 46912 1) and the Firearms (Amendment) Act (Northern Ireland) 1971 (Ch 25, Belfast HMSO, 7½p, ISBN 0 337 47125 8). Visitors from outside the United Kingdom who wish to bring firearms into Northern Ireland should first contact the Chief Constable of the Royal Ulster Constabulary, Headquarters, Brooklyn, Knock Road, Belfast BT5 6LE.

### *The Police*

Police officers in the United Kingdom are not generally armed, but in an emergency firearms can be issued quickly on the authority of a senior officer to suitably trained men. The arms are used only when necessary to protect the life of the police officer or of some other person. The responsibility for using the weapon rests with the police officer concerned; unnecessary use of firearms might constitute a criminal offence. Since 1965 ten police officers in England and Wales have been fatally shot. The number of officers wounded but not killed is not recorded centrally.

In addition to their general common law and statutory powers, the police have a number of special powers, under the Firearms Act 1968, to search premises, vehicles and people, to require the production of firearm or shotgun certificates and to arrest suspected offenders.

The police cannot obtain a warrant to search for and seize offensive weapons generally, but a magistrate may issue a warrant authorising them to enter any named premises, by force if necessary, and to search both the place and anyone found there. They may seize and detain any firearm or ammunition found there in connection with which they have reasonable grounds for suspecting that a firearms offence (generally other than one relating to airguns) has been, is being, or is about to be committed. They can arrest without a warrant anyone reasonably believed to be guilty of such an offence.

The 1968 Act gives the police extensive powers in connection with the prevention of offences of carrying a firearm with criminal intent and trespassing with a firearm. These include the right to require a person reasonably suspected of having a firearm with him in a public place or of elsewhere committing or being about to commit one of these offences to hand over the firearm (it is an offence to refuse to do so) or to submit to being searched. To carry out these powers they can enter any premises.

The police may arrest without a warrant anyone reasonably suspected of carrying a firearm in a public place (or failing to hand it over to a police officer when asked to do so), trespassing with a firearm, or, as a person previously convicted of crime, illegally possessing a firearm.

### Firearms in Crime

A measure of the extent to which firearms are connected with crime in England and Wales is provided by statistics of the indictable offences recorded as known to the police. (Statistics of criminal court proceedings do not in general record separately those involving firearms.) In 1973, 4,670 indictable offences in which firearms were involved were recorded. In 2,480 of these, firearms were used (fired, used as blunt instruments or used to threaten); in 101 offences, firearms were carried but not used; and in 2,089 offences, firearms were dishonestly acquired. The true relative sizes of these three categories are difficult to assess for several reasons. The police can record only those offences which come to their notice, and equally they can record only such details of an offence as they are able to discover. The presence of a firearm in an offence in which it was carried but not used would be less likely to come to police notice than the presence of a firearm in an offence in which it was used. There is also less likelihood that a theft of a firearm for which no certificate is held would be reported than that a theft of a legally-held firearm would be reported.

Over 86 per cent of the 2,480 offences recorded in which firearms were used were assaults (including homicides) or robberies. The number of assaults involving firearms (1,648 including 29 offences of homicide) was only 2.7 per cent of the total of 60,395 assaults recorded (the total number of homicides was 396).

In more than a third of the recorded offences in which firearms were used in 1973, no injury was caused by the firearms. About half of the offences in which there was no injury were robberies where the firearm was used to threaten.

The total number of offences in which firearms were used and people killed or injured was 1,502. Some 32 of these involved a fatal injury. More than half the fatal injuries each year are caused by shotguns; pistols and rifles account about equally for the remaining deaths. Most non-fatal injuries, on the other hand, are caused by airguns. Of all offences in 1973 in which an airgun was used and caused slight injury, and the ages of both victim and offender were known, about 57 per cent were committed by young people aged under 17 years on victims also under 17; a further 11 per cent involved only people under 21 years.

In two of the recorded offences of homicide in 1973 involving firearms where the motive could be assessed, the killing occurred in the course of furtherance of another offence or while escaping from, or resisting, arrest. Most of the remaining homicides involving firearms were those in which the suspect also committed suicide.

Each year firearms are used in roughly 6 to 7 per cent of the total number of robberies recorded by the police. In nearly all armed robberies the firearm is produced only as a threat; this is reflected in the high proportion of offences in which no injury is caused. The type of location for armed robberies varies considerably. Shotguns, especially those with sawn-off barrels, form an increasing proportion of the weapons used in robberies (37 per cent in 1973).

Of the 2,089 offences recorded in 1973 in which firearms were dishonestly acquired but not used or carried, most were burglaries or thefts in which a firearm was stolen. Most of the remaining offences were those recorded as 'handling stolen goods'. Of the types of weapons stolen in offences of burglary or theft, about a third were shotguns and about half were air weapons. Other weapons taken were mainly rifles and pistols, although a substantial number of starting guns were stolen, often from schools. In well over half the burglaries and thefts the firearms were taken from residential premises or shops and stalls (sometimes those occupied by registered firearms dealers). The number of burglaries and thefts of firearms from military establishments or rifle clubs is quite small.

The Firearms Act 1968 specifies over 80 different offences relating to the possession, supply and certification of firearms. Few of these offences are indictable, so they are not recorded as known to the police, nor are they included in the statistics above. Details of the non-indictable offences are of people proceeded against or cautioned. The number of people found guilty of offences under the Act in 1973 was about 7,400. Some 3,600 of these were found guilty of the less serious possession offences; 3,000 were guilty of serious possession offences; nearly 400 were guilty of supplying offences; and a similar number were guilty of certificate offences. The vast majority of offenders were dealt with at a magistrates' court and were fined. The number of people cautioned by the police was over 8,600.

### **Accidents and Suicides**

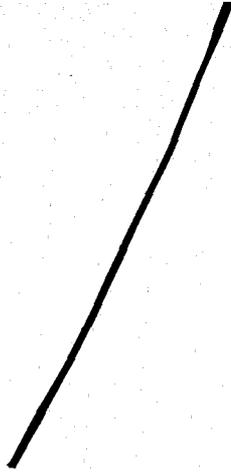
The number of accidental deaths caused by firearms missiles in England and Wales in 1973 was 28. Injuries by firearms and explosives caused a further 11 deaths, but whether these were accidentally or purposely inflicted could not be determined. Of the 39 deaths, 37 involved boys and men.

The number of suicides and self-inflicted injury deaths caused by firearms and explosives in 1973 was 172 (163 of them boys and men).

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