

FIREARMS LICENCE



To people in the farming community, we understand that in addition to saving your driving licence, you may also be concerned about the impact of the criminal conviction on your firearms licence. Take a look at the information below to find out where you stand:

Firearms Licences are governed by the Firearms Act 1968. Section 26A of the Act. Subsection 26A states.

- (1) An application for the grant of a firearm certificate shall be made in the prescribed form to the chief officer of police for the area in which the applicant resides and shall state such particulars as may be required by the form.

Reporting Requirements:

There are no requirements under the Firearms Act 1968 for the licence holder to notify the chief officer of police when subject to any criminal allegation.

When making an original application there is a legal requirement to provide information in relation to previous convictions of any type. Any convictions would be considered by the chief of Police when considering the continuation of the licence.

For those with existing firearms licence, the Police National Computer is linked to the National Firearms information Database and information will be available immediately to the investigating officer who will then report the matter to the chief officer who will make the decision to consider the continuation of the licence.

It is, however an offence not to disclose any such relevant information upon renewal application. This is punishable by imprisonment under the Act.

Automatic reporting by the police/court

As stated the investigating officer will report the matter to be considered by the chief officer.

Regulators likely stance

Likely stance for a conviction for Drink driving will be that the licence will be revoked:

Research carried out Firearms Licence Lawyers indicated 99% of certificate holders convicted of Drink Driving had their firearms licence revoked.

Section 21 of the 1968 Act sets out restrictions on the possession of firearms by certain categories of persons convicted of crimes. If sentenced to a term of imprisonment of 3 years or more you are never allowed to possess firearms. If sentenced to a term of imprisonment for 3 months or more but less than 3 years then you must not possess firearms until five years have passed since the date of release

Whilst a conviction for drink driving is not necessarily likely to lead to a certificate holder becoming a prohibited person under the Act it would give rise to the implication that they are no longer considered to be justifiably '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.' (section 30A 2(b) of the Act. Or even, given the presence of drink involved, considered to be 'of intemperate habits'.

30A Revocation of firearm certificates.

- (1) A firearm certificate may be revoked by the chief officer of police for the area in which the holder resides on any of the grounds mentioned in subsections (2) to (5) below.
- (2) The certificate may be revoked if the chief officer of police has reason to believe—
 - (a) That the holder is of intemperate habits or unsound mind or is otherwise unfitted to be entrusted with a firearm; or
 - (b) That 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.
- (3) The certificate may be revoked if the chief officer of police is satisfied that the holder is prohibited by this Act from possessing a firearm to which section 1 of this Act applies.

(4) The certificate may be revoked if the chief officer of police is satisfied that the holder no longer has a good reason for having in his possession, or for purchasing or acquiring, the firearm or ammunition which he is authorised by virtue of the certificate to have in his possession or to purchase or acquire.

(5) A firearm certificate may be revoked if the holder fails to comply with a notice under section 29(1) of this Act requiring him to deliver up the certificate.

(6) A person aggrieved by the revocation of a certificate under subsection (2), (3) or (4) of this section may in accordance with section 44 of this Act appeal against the revocation.]

Any other information

Section 44 gives authority to appeal within 21 days of decision to revoke. The appeal process will be a full consideration of the position and all relevant circumstances rather than simply a consideration of the decision to revoke on the basis of the offence committed or its nature.

44 Appeals against police decisions.

(1) An appeal against a decision of a chief officer of police under section 28A, 29, 30A, 30B, 30C, 34, 36, 37 or 38 of this Act lies—

- (a) in England and Wales, to the Crown Court; and
- (b) in Scotland, to the sheriff.

What do I do next?

We are always happy to discuss your case with you, we are specialists in defending drivers nationwide for all types of motoring offences. Call our team on **0800 1389 123** for some free initial advice.

(2) An appeal shall be determined on the merits (and not by way of review).

(3) The court or sheriff hearing an appeal may consider any evidence or other matter, whether or not it was available when the decision of the chief officer was taken.

(4) In relation to an appeal specified in the first column of Part I of Schedule 5 to this Act, the third column shows the sheriff having jurisdiction to entertain the appeal.

(5) In Schedule 5 to this Act—

(a) Part II shall have effect in relation to appeals to the Crown Court; and

(b) Part III shall have effect in relation to appeals to the sheriff.]



British Association for Shooting and Conservation is an [informative guide to firearms certificate](#) holders. Application forms for licenses are available to view online.

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