



THE GOVERNMENT RESPONSE TO THE THIRD
REPORT FROM THE HOME AFFAIRS COMMITTEE
SESSION 2010-11 HC 447

Firearms Control

**Presented to Parliament
by the Secretary of State for the Home Department
by Command of Her Majesty**

September 2011



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INTRODUCTION

In July 2010 the Home Affairs Committee (HAC) of the House of Commons announced its intention to hold an inquiry into controls on firearms to examine whether or not there was a need for changes to the way in which firearms and/or shot gun certificates are issued, monitored and reviewed as a means of preventing gun violence.

The Government welcomes the report of the Committee's inquiry as a valuable contribution to the debate on firearms control prompted by the tragic events in Cumbria on 2 June 2010 when Derrick Bird murdered 12 people and injured 11 others with legally held firearms. The Home Office provided written evidence to the HAC on behalf of the Government in their memorandum of 27 August and the Home Office Parliamentary Under-Secretary of State for Crime Prevention, James Brokenshire MP, appeared before the Committee to give oral evidence on 16 November 2010.

The Report of the HAC's inquiry was published on 20 December 2010. The Government has considered the Committee's recommendations carefully, and this paper sets out the Government's response. For ease of reference the paper responds to each of the Committee's recommendations (in bold type) in turn.

The main purpose of firearms legislation has always been to protect public safety at the same time ensuring that controls are practical, proportionate and consistent with our international and other legal obligations. This is a complex and often emotive issue but, as the Committee has recognised, the UK has strict gun laws and comparatively low levels of gun crime. We would agree that there is a strong case for saying that these controls do have an indirect and positive impact on the number of guns in criminal hands by reducing theft and other illegal diversion of weapons to the illegal market. We also accept that the vast majority of crimes involving firearms are carried out with illegally-held guns and that the proportion of licence holders who use their guns in crime is tiny albeit on rare occasions with tragic consequences. Such incidents quite rightly require close scrutiny of our controls and the way in which they are exercised, an imperative given added force by the horrific shootings in Norway in July when so many innocent people lost their lives. It is reassuring that Assistant Chief Constable Adrian Whiting, who was asked to investigate the licensing decisions made by Cumbria Constabulary in respect of Derrick Bird, concluded that there were no reasonable opportunities for the licensing system to have been used to intervene to prevent the appalling offences being committed.

1. While it is heartening that official figures show the use of firearms in crime to be declining, these figures should not be allowed to fuel complacency. (Paragraph 12)

The Government is committed to tackling gun crime and the gang culture which is a known driver of it and accepts there is no room for complacency.

The Home Office receives record level data from the 43 police forces of England and Wales on offences where a firearm has been used. Data are presently published in the Home Office Statistical Bulletin: Homicides, Firearm Offences and Intimate Violence Supplementary Volume 2 to Crime in England and Wales. Home Office statistics on firearm offences focus on more serious and violent offences involving firearms. Firearms are taken to be involved in an incident if they are fired, used as a blunt instrument against a person, or used in a threat.

2. We recommend that, rather than adding new rules and greater confusion, the Government provides proposals for early consultation on how to codify and simplify the law. Along with the proposals themselves, we urge the Government to give careful consideration to how it will publicise the legislation in order to give greater clarity to the lay person. (Paragraph 36)

The Government accepts that there have long been calls for a new, simplified Firearms Act although most people have stopped short of saying that the existing law is not fit for purpose. There have generally been few significant new ideas for how this might be achieved. An alternative approach would be to consolidate existing legislation, which would at least pull all the controls together into one Act. This would make the controls more accessible and help with enforcement, but it would not provide much in the way of simplification. In fact, new law might also inadvertently create further uncertainty by adding the opportunity for new legal arguments to be made. The Government believes that the best way forward in the short term is to update and revise Home Office guidance in a way which presents the legislation as clearly and simply as possible.

3. We understand that the Government is to publish details of its crime prevention strategy at the end of the year. In order to tackle the drivers of gun crime, we recommend that this strategy should explicitly link to long-term measures to reduce domestic violence, measures to tackle the social factors which foster extreme violence and measures to clamp down on illegal drug markets and other forms of serious and organised crime. (Paragraph 42)

The Government published *A New Approach to Fighting Crime* on 2nd March. This sets out how the Government intends to cut crime by giving the police and their partners greater freedom to do their jobs; by giving the public more power to hold police and community safety partnerships to account and empowering the public to reclaim their streets; and by a new and overdue focus on serious organised crime at national level. It specifically sets out how the Government will support work at local level to tackle youth crime and violence, and drugs misuse. In addition, the Government will also be publishing its new strategy to tackle organised crime later this year.

The ambition of the UK Government is to end violence against women and girls (VAWG), including domestic violence, by seeking to prevent it from happening in the first place. The Government takes the view that this is not a short term task, but a long term goal and that no level of VAWG is acceptable in the UK or anywhere else in the world. On 25th November 2010, on the International Day for the

Elimination of Violence Against Women, the UK Government published *Call to End Violence Against Women and Girls* outlining its guiding principles over the spending review period. On 8th March, to mark International Women's Day, we published *Call to End Violence Against Women and Girls: Action Plan* setting 88 actions across a range of departments.

4. We recommend that the Government ask the media regulatory bodies to enforce a code of practice which both prohibits overtly sensational media coverage of shootings and offers greater protection to victims and their families against intrusive reporting. (Paragraph 42)

The potential for sensationalist media coverage of shootings to encourage copycat killings cannot be ruled out but it is also clear that sensational and intrusive media coverage of shootings can cause significant and long-lasting distress to the families of victims. While the media must be free to report on major incidents and there is certainly a public interest in having the views of people in the local area reported, that does not mean that the usual journalistic standards that the press and broadcasters must abide by may be ignored.

The press sign up to the Editors' Code of Practice, overseen by the Press Complaints Commission (PCC). As the Committee already know, the PCC were extremely active – particularly in Cumbria – at the time of the dreadful events there. When their office became aware of the incident (on the day), they contacted local police and hospitals to make them aware of the PCC's services. Over the course of the next few days they kept in touch with the police and, when requested, assisted individuals who did not wish to speak to the media by issuing editors with a notice instructing them not to approach those people. They were, as always, on hand to deal with a number of complaints about published articles.

The PCC's Director subsequently visited Cumbria for meetings with the police, the local press and local community representatives. In Northumbria the PCC were immediately in touch with police and local community representatives and remained so throughout the incident.

The PCC have an ongoing programme of work designed to raise the profile of the organisation and its work which includes the provision of a 24 hour helpline to help those who find themselves at the centre of media interest. The PCC overseen code does not, of course, cover broadcasters but in the case of a developing media scum, the PCC can also act to forward a message to broadcasters. It seems to us that continued promotion and profile raising exercises are the best ways to meet the Committee's concerns.

However, the Committee is of course aware of the phone hacking scandal that has emerged and that the Government has set up an independent inquiry under Lord Justice Leveson. Assisted by an expert panel, Lord Justice Leveson will inquire into the culture, practices, and ethics of the press, including:

- a. contacts and the relationships between national newspapers and politicians, and the conduct of each;

b. contacts and the relationship between the press and the police, and the conduct of each;

c. the extent to which the current policy and regulatory framework has failed including in relation to data protection; and

d. the extent to which there was a failure to act on previous warnings about media misconduct.

He will then make recommendations:

a. for a new more effective policy and regulatory regime which supports the integrity and freedom of the press, the plurality of the media, and its independence, including from Government, while encouraging the highest ethical and professional standards;

b. for how future concerns about press behaviour, media policy, regulation and cross-media ownership should be dealt with by all the relevant authorities, including Parliament, Government, the prosecuting authorities and the police;

c. the future conduct of relations between politicians and the press; and

d. the future conduct of relations between the police and the press.

This wide-ranging inquiry and its recommendations will make an impact on every part of the press.

As part of its wider work the Government is currently reviewing the services that are available to victims and witnesses in order to improve their experience of the criminal justice system. The reporting of Criminal trials is one of a wide range of issues in this area.

In relation to broadcasting, the Communications Act 2003 places a statutory duty on Ofcom to apply standards objectives to television and radio services which provide adequate protection to members of the public and all other persons from unfair treatment and unwarranted infringements of privacy in programmes included in such services.

Ofcom's Broadcasting Code, therefore, sets out the rules in this area, which include the coverage of significant news events that may involve suffering and distress. As an example, these rules cover broadcasters' use of footage/audio of people caught up in such events and when broadcasters seek interviews, either when such events are taking place or subsequently.

In addition, the Communications Act also requires Ofcom to apply standards objectives that news included in television and radio services is presented with due impartiality and that news is also reported with due accuracy. The BBC retains similar duties under its Charter and Agreement.

The Ofcom Broadcasting Code does, however, also reflect that there may be a strong public interest in reporting on an 'emergency' situation as it occurs. Within this framework it is, therefore, recognised that broadcasters must balance the need to offer accurate and timely information to their audiences with, for example, the need to ensure that unwarranted infringements of privacy do not occur, or that police operations and individual safety are not jeopardised.

We believe the Ofcom Broadcasting Code and associated guidance, in parallel with the BBC's rules on due impartiality and due accuracy, set out a proportionate and appropriate framework for the broadcast coverage of such significant news events, which is able to provide suitable protection to victims and their families against unwarranted intrusive reporting. Furthermore, the Communications Act also places a duty on Ofcom to review and revise their Broadcasting Code to ensure the standards objectives set out in the Act are being met. The existing regulatory framework, therefore, allows for Ofcom to take appropriate action if they felt the current rules were failing to do this. As such, we believe that the current regulatory regime is able to address the Committee's concerns in this area.

5. We note the evidence given to us about the need for a 'public health' approach to preventing and limiting violence. We also note that the unique and imaginative approach to the collection and analysis of data about violent incidents led by Professor Jon Shepherd in Cardiff has delivered major improvements, measured by the significant drop in the number of victims needing treatment at Accident and Emergency. We recommend that a careful analysis based on science and 'engineering' methodology should be applied to this field of prevention. (Paragraph 43)

The Government is committed to tackling violence and gun crime as well as the gang culture which, in some instances, drives them. Combining early intervention work with tough enforcement and empowering local communities to prevent the spread of violence will be crucial to these efforts.

The Home Secretary has already committed more than £18 million to tackle gang, gun and knife crime and prevent youth crime. Following the disturbances Government has started work on a cross-Government approach to tackling gangs and gang violence. The Home Secretary will report to Parliament on this issue in October.

The Coalition Programme for Government includes the commitment to "make hospitals share non-confidential information with the police so they know where gun and knife crime is happening and can target stop-and-search in gun and knife crime hotspots". The Department of Health is the lead department, however Home Office officials continue to support the delivery of Emergency Department information sharing between Acute Hospital Trusts and their respective Community Safety Partnerships as a key activity toward crime prevention and the reduction of serious youth violence, including gun crime.

6. We welcome the recent agreement between the Association of Chief Police Officers and the British Medical Association that the police alert GPs to every new and renewal licence application. We consider this to be an important step in ensuring that the licensing authority receives accurate medical information about applicants, given the cases we have heard in which applicants have failed to provide this, some of which have resulted in murder. Ultimately, police licensing officers must take responsibility for the decision as to whether or not to grant or revoke a licence. We note that there is already a duty on doctors to communicate their concerns if they judge that a patient poses a danger to themselves or to others. Police guidance must make clear that GPs are not being asked to predict future behaviour, as this is impossible, or to judge the fitness of an applicant to possess a weapon themselves. One means of dealing with this latter concern would be to consider requiring applicants to undergo a compulsory medical check with a specially-appointed medical examiner, but we note that this would be extremely resource intensive, that it might be regarded as disproportionate, and that we received no firm evidence that it would achieve the desired level of certainty in the licensing process. (Paragraph 67)

The Government agrees that a compulsory medical check with a specially appointed medical examiner is unlikely to be an effective or proportionate means of improving the licensing process. It is important, however, to ensure that any medical concerns about an applicant or certificate holder, particularly in relation to their mental health, are quickly highlighted to the police.

Applicants for firearm and shotgun certificates must give details of any relevant medical conditions and give consent for the police to approach their GP if they have any concerns about the applicant's medical history which might have a bearing on his suitability to possess firearms. This is not limited by time and the police can approach the GP at any point during the life of a certificate. It is also open to the GP to approach the police at any time in order to pass information of possible concerns.

However, as the Committee points out, there has been some lack of clarity as to who is responsible for doing what and the Government also welcomes the recent agreement between the Association of Chief Police Officers (ACPO) and the British Medical Association that the police will put in place within six months new arrangements to notify a GP of the grant and renewal of a firearms and/or shot gun certificate. As a next step, ACPO and the BMA will draw up more detailed guidance on how the arrangements will work and explain why grant was chosen as the point of notification rather than when the application was received. The Government accepts the need to make it clear that GPs are not being asked to predict future behaviour and that ultimately it is for police firearms licensing officers to take responsibility for granting or revoking a licence.

ACPO have indicated that they wish to pursue the possibility of placing a permanent marker on NHS patient records although this may prove impractical if security and data protection issues cannot be resolved. The Committee drew attention to the various points of concern which have been raised in this regard and

in its press release indicated that it was unconvinced by the arguments in favour of a “tagging” system. The Government will closely monitor the new arrangements.

7. We consider that there should be both tighter restrictions and clearer guidance on the granting of firearms and shotgun licences to individuals who have engaged in criminal activity. Firstly, the legislation should be amended to clarify that persons in receipt of wholly suspended sentences are subject to the same prohibitions from obtaining a licence to hold section 1 firearms or shotguns as they would be if their sentence had not been suspended. We do not believe it appropriate for those convicted of offences which are serious enough to warrant a custodial sentence to retain their firearms. We are also of the view that those who receive shorter custodial sentences should not be allowed to possess firearms and recommend accordingly. (Paragraph 72)

The Government agrees that full weight should be given to any previous convictions and cautions and will work with ACPO to ensure that guidance is clear on assessing a person’s fitness to be entrusted with a firearm. As regards extension of the prohibited person provisions to include suspended sentences, the police are already able to take such disposals into account when assessing someone’s fitness to possess firearms, and they can act in cases where serious concerns arise. That said, the Government accepts that a person who has had a certificate refused or revoked in these circumstances is not a ‘prohibited’ person under the Firearms Acts and can still avail themselves of the various exemptions which allow them to possess firearms without a certificate. We are therefore minded to carry out further work to assess the practicalities for implementing such a change.

Furthermore, where a person is convicted of a crime for which he is sentenced to imprisonment for any period of time, it is already open to the sentencing court under section 52 of the Firearms Act 1968 to order the forfeiture and disposal of any firearm found in his possession and to cancel any certificate held by him. Given that the trial judge will have available the full facts of the case, the Government does not believe it is necessary to extend the prohibited person provisions of section 21 to those who receive shorter custodial sentence but, as indicated above, criminal antecedents will always be an important consideration when applications are received from persons who did not own firearms at the time of their offending.

8. We understand that police licensing officers are now encouraged to take into account intelligence about criminal behaviour that does not result in convictions, as well as convictions resulting in non-custodial sentences, when considering whether or not to grant a licence: it must be made explicit in police guidance that officers are expected to take such behaviour extremely seriously, in particular cases of bind-overs, arrests and police call-outs for domestic violence, and an accumulation of convictions for offences where the penalty falls short of that requiring prohibition. (Paragraph 73)

The Government accepts this recommendation.

9. We recommend that the UK Government should hold a consultation on the proposal that police licensing officers consult the current and recent domestic partners of applicants in assessing a licence application, and report back to us on the responses received. (Paragraph 74)

The Government has some concerns that involving partners and recent ex-partners in signing applications may put them in a position of vulnerability and increased risk of renewed violence and abuse. Also, consent from a current partner may mean that the partner signs the application to ensure their imminent safety without consideration for future safety. However, we agree that the Canadian requirement merits further exploration and in seeking views we will explore with the Canadian authorities what safeguards and support they provide for partners. As the Committee recognises, the claimed 40% reduction in the gun murder rate of women in Canada since their scheme was introduced would require further analysis to establish cause and effect and the Canadian authorities have already intimated this figure needs to be used with caution as there are many factors involved in firearms homicides.

10. We are encouraged by early signs that police forces may be taking a more proactive approach to licence revocations following the Derrick Bird shootings and consider that such an approach, facilitated by the National Firearms Licensing Management System, and greater emphasis on medical checks, is the most effective way forward. (Paragraph 78)

The Government agrees with the Committee that the licence renewal period should remain at five years and that a reduction to two years would place a disproportionate burden on police resources. That being so, it is important that full and proper consideration should be given to revoking a certificate if there is reason to believe that the holder is no longer fitted to be entrusted with a firearm or presents a danger to public safety or to the peace. The existence of the National Firearms Licensing Management System (NFLMS) which enables forces to share information across force borders and the improved links with GPs outlined above will greatly assist in this process.

11. We advocate a change in the law to create a single system for the licensing of section 1 firearms and shotguns. Such a system should be based upon the current process for granting licences for section 1 firearms. The benefits of such a system would be two-fold: firstly, we consider that allowing guns to only those individuals who have good reason to hold them strikes the appropriate balance between personal freedoms and public safety, and we see no reason why those applying for a shotgun licence should be exempt from proving 'good reason'. Secondly, it will render the process considerably more straightforward and, we understand from the police, cheaper to administer. We believe that this can be undertaken in such a way as to avoid any undue restrictions on the use of shotguns. (Paragraph 81)

Some controls on firearms might usefully be applied to shotguns, for example a common test of fitness to possess. Other issues, such as 'good reason', are more complex – for example, unlike rifle target-shooters, shotgun owners do not always belong to clubs who could vouch that they had shot regularly. The Government is not aware that the current arrangements are causing any difficulties which present a risk to public safety, and there is no evidence of any significant level of misuse using lawfully-held shotguns. This is not to ignore the tragic shootings in Cumbria but as ACC Whiting indicated in his report into the firearms licensing aspects of the incident, had Derrick Bird been required to give a good reason to possess each of his shot guns, then he would have been able to do so. He was also in possession of a rifle for which the test of good reason currently applies. The Government will keep this issue under review but is not presently minded to change the law bearing in mind that the large number of shot guns currently owned (over 1.3 million) would create a significant new workload for firearms licensing departments if they were to be licensed in the same way as section 1 firearms. A Home Office working group including representatives of the police and shooting interests is working to devise a single application form and that group will look into the feasibility of a single certificate.

12. Current police guidance on firearms legislation is out-of-date. We recommend that the guidance is urgently updated to take into account recent changes to legislation to ensure that officers are properly equipped to take the best decisions that they can. Furthermore, the Government should facilitate a change in the status of the guidance to make it an Approved Code of Practice, to give police decisions greater weight with the courts. (Paragraph 84)

The Government accepts this recommendation and much work has already been carried out to up-date the guidance. We have been awaiting further progress on the question of information-sharing between police and GPs and the agreement which has now been reached means that the guidance can now be firmed up in a number of important respects. Although recent changes in the law, policy and procedure have already been drawn to the attention of the police, either through Home Office circulars or ACPO information notes, we are now looking to consolidate all this into revised guidance and to publish as soon as possible, with arrangements for it to be updated on-line and in real-time.

Allowing for the need for it to be up-dated, the guidance has been well received by police and shooters alike. It successfully pulls together all the controls into one place and guides the reader through the key aspects. The guidance will be updated and the Home Office will look at how it might be improved but the Government is not attracted to making the guidance statutory. Firearms law provides the police with a good deal of discretion, in recognition of the fact that each application is different and needs to be considered on its merits. It could be problematic to attempt to prescribe how every possible situation ought to be approached. The current system of discretion, supported by guidance for consistency, generally works well and it is right that the courts should ultimately decide how the law should apply.

13. There is concern about the potential impact of police spending cuts on the firearms licensing function. In particular, it is important to preserve recent improvements in the rigour of the process, such as the increase in home visits undertaken for renewal applications, which we consider should be compulsory. One means of ensuring sufficient funds is to increase applicant fees; given that the current fee structure was set in 2000, we consider that the Home Office should consider raising the current £50 fee to a level that covers the reasonable costs of licensing. We also understand that substantial savings could be made by extending the life of a proportion of certificates in order to remove the peaks and troughs created when the renewal period was extended to five years. The Home Office should implement this proposal and report back to us within twelve months on the steps that it has taken on this recommendation. (Paragraph 88)

The reduction in central government funding for the police is a fair but manageable settlement. It is for chief constables to decide where to allocate police resources. Firearms licensing departments carry out statutory functions which are crucial to public safety, and it will be for chief constables to ensure they remain appropriately staffed and effectively deployed and that the rigour of the licensing system is not jeopardised.

There is no reason, therefore, why the reductions in funding should impact on home visits, whether undertaken at the time of initial grant, at the point of renewal, or at any other randomised stage during the life of a certificate. These visits provide the police with a valuable opportunity to review the circumstances of each case and the extent to which the provisions of the Act have been complied with by the holder of the certificate and by persons supplying them with firearms and ammunition. The prime consideration when considering any application for the grant or renewal of a certificate must always be to ensure that the assessment of a person's fitness to possess firearms is based upon a full assessment of risk having regard to any intelligence gathered around key factors such as violent, intemperate or erratic behaviour, alcohol or drug abuse, misuse of firearms or other criminal behaviour. The improved links between the police and GPs referred to in paragraph 6 will clearly be a critical part of this process.

The Government accepts that a review of fees will play an important part in ensuring the resources for firearms licensing departments. The Home Office has already sought and received data from ACPO on police costs in granting and renewing certificates. Subject to clarification of certain aspects, the data will be analysed and used to discuss with interested parties what the new fees levels should be.

The question of extending the life of a proportion of certificates in order to remove the peaks and troughs created when the renewal period was extended to five years has been considered on a number of occasions by both the police and the shooting organisations. There have been divergent views on the benefits or otherwise of attempting to even-out the bulge in this way, which would require legislation, but further consideration will be given to the matter over the next 12 months and reported back to the Committee as requested.

14. We are not convinced that holding weapons at central locations would necessarily reduce the risk of theft; it could indeed increase the risk of theft. (Paragraph 94)

Secure storage of firearms is crucial in preventing access by unauthorised persons. All firearm and shotgun certificates are conditioned to require the holder to store their guns securely at all times and the police inspect these security arrangements at the time of grant and renewal. The Home Office has published guidance on the sort of security measures appropriate in the different circumstances likely to be encountered. Bearing in mind that firearms are held for a variety of legitimate purposes other than target shooting at a club (for example, hunting and vermin control) the Government agrees that it would not be feasible to require all firearms to be stored in central locations but will continue to monitor the statistics recording the misappropriation of firearms and any other reliable information on thefts in the UK.

15. We recommend that the Government brings forward proposals to simplify and clarify (a) the age at which an individual is permitted to shoot under supervision in the controlled environment of a shooting range; (b) the age at which an individual is permitted to shoot under supervision outside of such a controlled environment; and (c) the age at which an individual is permitted to shoot unsupervised. (Paragraph 101)

The Government accepts that the acquisition and possession of firearms by minors is not altogether straightforward and that the current age limits in firearms law have evolved over a period of time with different ages for different types of firearms and for supervised and unsupervised use. The Government is not opposed to young people participating in sports shooting, and we note that the Committee did not recommend for the age limit to be increased. The Government will keep the current arrangements under review, and explore further whether there is a consensus in favour of simplification along particular lines before considering whether to bring forward specific proposals as recommended by the Committee.

16. While clearly we would not be in favour of any disclosure that would compromise police operations, or assist criminals in accessing lethal weapons, we urge the National Ballistics Intelligence Service and the police to make generalised data about the illegal gun market available to academics and policy-makers more widely where this would not interfere with operational requirements, in recognition of the contribution that such individuals can make to crime reduction. (Paragraph 109)

It is important that any prospective amendment of the law or change in procedures is fully evidenced and the Government fully supports the Committee's view that as much information as possible should be made available. Home Office officials work closely with the National Ballistics Intelligence Service (NABIS) and attend regular meetings of the ACPO Criminal Use of Firearms (CUF) Steering Group, which brings together law enforcement professionals working in this area. NABIS is examining this recommendation of the Inquiry and is looking to make more data

available in a controlled fashion to academics. We will work with NABIS and police forces to ensure that data relating to gun crime and the illegal gun market is made widely available where this would not compromise law enforcement activity.

17. Restricted intelligence from the National Ballistics Intelligence Service indicates that a significant number of pre-1995 standard weapons have been reactivated into live weapons within the UK, and subsequently used in very serious crimes. We therefore recommend that the Government introduces a requirement for firearms that were deactivated before 1995 to be modified to the 1995 standard, in order to make it harder for criminals to gain access to readily-reactivated weapons. We also recommend that deactivated guns are only sold through Registered Firearms Dealers. (Paragraph 114)

Historically there has been a paucity of reliable information concerning the use of deactivated and reactivated firearms in crime and there has been some confusion with other types of converted weapon. Official statistics show few offences involving deactivated firearms but the police believe the true picture is more worrying. This is because in many firearms offences no shot is fired and the gun is not recovered which makes it difficult to identify the weapon used.

The Government notes that the Committee received restricted intelligence from NABIS regarding the number of reactivated weapons used in very serious crime. The Government will discuss the nature of this intelligence with ACPO with a view to determining whether it would be proportionate to require all old deactivated weapons to be brought up to the current tougher standards or whether the requirement might be restricted to particular types of weapon preferred by criminals. The feasibility of applying current standards to weapons which have already been subject to deactivation procedures will also need to be explored further.

The Government believes that the most important aspect of controlling deactivated firearms is to ensure that they cannot be reactivated and it is generally accepted that the current standards are effective in this regard. There remains the danger that criminals will seek to smuggle weapons into the UK from other countries where the standards are less rigorous and the Government is currently engaged in trying to secure a greater harmonisation of standards through the requirements of the European Weapons Directive. There is no requirement for realistic imitation firearms to be sold through registered firearms dealers. However, in looking at the standards to be applied to deactivated weapons the Government will also consider whether there are any benefits from requiring them to be sold through registered firearms dealers.

18. We recommend that the Home Secretary make regulations under Section 39 of the Violent Crime Reduction Act 2006 to require imitation firearms to conform to a specification that makes it more difficult for them to be converted into firing weapons, and that a process of type approval be introduced concurrently to limit the introduction of non-compliant items into the market place. (Paragraph 119)

The Government accepts the need for an appropriate specification. The Home Office has been working with experts to draw up a specification for the construction of blank-firing imitation firearms to prevent their conversion and Regulations to this effect came into force on 11 August 2011. This was a technically difficult exercise not least because of the need to ensure that the construction standards devised are generic and do not apply only to particular types of blank firer. Under section 39 of the Violent Crime Reduction Act 2006, it will be an offence to manufacture or import an imitation firearm which does not conform to this specification.

The legislation provides for an approval system to check the new specification is followed. One option would be a type-approval scheme but bearing in mind the problems associated with the discontinued model firearms examination scheme, the Government will want to consider all the options to ensure we have something which is both effective and proportionate.

19. The Government should introduce legislation to amend section 1(6) of the Firearms Act 1982 to ensure that the definition of a 'readily-convertible' imitation firearm accurately reflects the abilities of contemporary criminals to carry out such conversions, and introduce new offences for supply and importation of firearms to ensure that those guilty of such offences face appropriate penalties. Closer working with the UK's European partners is also key to tackling the illegal importation of firearms. (Paragraph 124)

The Government accepts that the definition of 'tools' in the 1982 Act no longer reflects the full range of tools commonly available from DIY stores and the internet. However, the new specification to be introduced under section 39 of the Violent Crime Reduction Act referred to above will address this by moving away from tools and instead prescribing constructions standards which make conversion much more difficult. This will address the future supply of potentially convertible imitation firearms. The 1982 Act will still be applicable to imitations already in circulation and it was used successfully earlier this year to deal with a readily-convertible blank-firing imitation, the Olympic .38 BBM.

Gun crime causes significant and lasting harm to our communities. The Government firmly supports the view that those who perpetrate firearms offences should face tough and appropriate penalties. The UK has some of the toughest firearms laws in the world, which send a clear message that society will not tolerate gun crime. Home Office officials will continue to work closely with the ACPO Criminal Use of Firearms (CUF) Steering Group, National Ballistics Intelligence Service (NABIS) and other law enforcement partners to protect the public from gun crime. This will include undertaking further scoping work with the Ministry of Justice to establish whether it is necessary and proportionate to introduce changes to legislation in respect of criminal supply and importation of firearms.

The Home Office and law enforcement partners work closely with European and international partners to tackle the illegal importation of firearms. Together with all other Member States the UK is represented in the Law Enforcement Working Party (LEWP) of the Council of the European Union, which addresses Justice and Home Affairs issues on law enforcement cooperation, including those relating to firearms trafficking. The UK is also a key participant in the European Firearms Experts

group. We will continue to work closely with our European partners on these issues and consider international cooperation crucial to preventing the illegal importation of firearms into the UK.

20. Before considering whether or not to incorporate low-powered air weapons into the firearms licensing regime, the Government should continue to monitor closely the impact of recent legislation, including the Crime and Security Act 2010 on reducing air weapon offences. (Paragraph 133)

The Government accepts this recommendation and has recently implemented section 46 of the Crime & Security Act 2010, which relates to the safe storage of air weapons. This was accompanied by an awareness campaign to make people aware of the dangers of air weapons and the importance of storing them securely.

The Government has no plans to ban or licence air weapons, the vast majority of which are used safely and responsibly, and prefers to tackle the minority who misuse air weapons. The Government agrees that enforcement of the wide range of existing controls referred to in the Committee's report and which appear to have secured significant reductions in air weapon misuse since 2003-4, might usefully form part of police activity to deal with anti-social behaviour.

The Government will continue to monitor the misuse of air weapons and will not hesitate to take further action should this prove necessary.



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