

Anti-social Behaviour, Crime and Policing Act 2014 (England, Wales & Scotland only)

The Act - http://www.legislation.gov.uk/ukpga/2014/12/pdfs/ukpga_20140012_en.pdf

This fact sheet must be read in conjunction with Home Office circular 009/2014 -

<https://www.gov.uk/government/publications/provisions-108-111-of-the-anti-social-behaviour-crime-and-policing-act-2014>

1. I received a suspended sentence prior to the 14th July 2014. Will I be prohibited when the law changes in July?

Where a person receives a suspended sentence of 3 month or more (the maximum is set at two years) a five year prohibition will apply to them. The Act retrospectively catches suspended sentences given before 14th July 2014. However; only those sentences awarded between 12th July 2009 and 14th July 2014 are relevant. This is because the 5 year prohibition is spent for sentences awarded earlier than 12th July 2009. If you are wondering why these dates are not strictly 5 years apart, this is because the new law provides that the prohibition does not start until the “second day after the date on which the sentence is passed”.

Example 1; a suspended sentence given, for instance, on 5th May 1990 would mean the actual prohibition starts the second day from conviction (7th May 1990). This means the five year prohibition ended on the 7th May 1995. This person is not prohibited from the 14th July 2014.

Example 2; a suspended sentence given, for instance, on 6th April 2011 would mean the actual prohibition starts the second day from conviction (8th April 2011). This means the five year prohibition ends on the 8thth April 2016. This person becomes prohibited from the 14th July 2014 and the remainder of the prohibition must be served (subject to the exemption where the person has certificates in force on the 14th July 2014).

2. I qualify to keep my certificates during the prohibition for a suspended sentence;

- **Can I still buy and sell shotguns and firearms?**

Yes; the law allows a certificate holder to buy and sell shotguns, firearms and ammunition as normal. Variations to firearm certificates may still be made and processed where good reason has been shown for each and every firearm/ammunition amendment.

- **Can I add an antique firearm to my shotgun or firearm certificate?**

An antique shotgun may be added to a shotgun certificate freely. The police cannot object to this. All you need to do is write the gun details onto table 2 of your certificate and send formal notification by registered post or by email to the prescribed address.

Certain antique firearms may be added to a firearm certificate where ‘good reason’ exists e.g. membership of a target shooting club or heritage association.

Firearms that would normally be prohibited weapons cannot be held on certificate. For instance; cartridge operated short firearms which either have a barrel less than 30 centimetres in length or is less than 60 centimetres in length overall. (See paragraphs 15 & 16 of the Home Office circular regarding those who qualify to keep their certificates.)

3. Paragraph 17 of the circular states that a renewal falling within the 5 year prohibition for a suspended sentence will not be processed;

- **Can I do anything to remove the prohibition so I can renew/apply for a certificate?**

Yes; you may appeal to the Crown Court to lift any length prohibition on the possession of firearms and ammunition (including shotguns, air weapons and antiques).

The longer any existing certificate remains in force as per the relevant provision, the better case you have to lift the prohibition in order to renew your certificate; however each case will be taken on its merits. Procedures for appeal are listed in the Home Office Guidance on Firearms Licensing Law.

4. My certificate is still in force in relation to a suspended sentence; I also own a low-powered air weapon, can I keep it?

Low powered air weapons that do not require a certificate cannot be kept. The new law says that whilst anyone with a suspended sentence would normally become a prohibited person; you are not prohibited whilst your certificate is in force. This is only in respect of the firearms and ammunition to which the certificate relates (including section 1 air weapons).

5. As a prohibited person; what firearms, shotguns and air weapons or antiques firearms will I be allowed to keep?

Prohibited persons are not allowed to keep any firearm or any ammunition; this includes shotguns, air weapons and their ammunition (pellets/darts etc) and 'antique' firearms. The prohibition does not extend to paintball guns, imitation or deactivated firearms.

References:

1. The Anti-social Behaviour, Crime and Policing Act 2014
<http://www.legislation.gov.uk/ukpga/2014/12/section/110>

2. The Anti-social Behaviour, Crime and Policing Act 2014 (Consequential Amendments) Order 2014
<http://www.legislation.gov.uk/id/uksi/2014/2522>

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