



BORROWING SHOTGUNS

Incorporating amendments from the Policing and Crime Act 2017
The detail in this fact sheet becomes law on 2nd May 2017

Sections 11A and 11(6) - Firearms Act 1968 allow non-certificate holders to shoot shotguns in the following circumstances ONLY:

- a) **when using a shotgun on loan by an authorised person, on private land and in his/her presence** (See specific criteria below) - (Section 11A)
or
b) **when at a police approved clay shoot** - (Section 11(6))

Holding a shoot where non-certificate holders are participating without complying with the exemptions listed in this fact sheet places organisers and participants outside the law

Option a) – Section 11A of the Firearms Act 1968

New Section 11A subsumes the shotgun exemption at Section 11(5) of the Firearms Act 1968. It allows a non-certificate holder to borrow a shotgun (for live quarry and clay shooting) and use it in the presence of either the occupier of private premises or persons authorised by them in writing. The following criteria must be met;

- The borrower of a shotgun may be of any age.
- The lender must be aged 18 or older and have a certificate in respect of the shotgun.
- The borrower must be in the presence of the lender i.e. in sight and earshot.
- The use of a shotgun must comply with any conditions on the certificate held in respect of that shotgun.
- The purpose of the loan is only for hunting animals, shooting game or vermin or shooting artificial targets.
- The lender must be;
 - a) a person who has the right to allow others to enter the premises for the purpose of hunting animals or shooting game or vermin, or
 - b) a person authorised by them in writing.

Notes:

1. Written permission (b) is a new requirement and must be obtained prior to shooting. Verbal permission is no longer permitted.
2. The 15 to 17 age group will no longer be able to lend shotguns to non-certificate holders aged 18 years or older.
3. The exemption only applies to Section 2 shotguns.
4. Shotguns may be acquired by the lender from other certificate holders under the 72 hour rule and lent as if it were their own (subject to the permission of the owner).
5. Section 57(4) of the 1968 Act defines “premises” as including any land. The foreshore is land, however it is predominately Crown or Duchy owned but some for example, is owned or leased by private individuals, local authorities or other groups. The Section 11(5) exemption may only be utilised on foreshore in England and Wales where the lender is an owner/occupier/lease holder who maintains the shooting rights. In the case of a Crown lease, the lease must allow the use of shotguns and will usually only permit the activity of wildfowling. In England and Wales the foreshore is that part of the seashore which is more often than not covered by the flux and reflux of the four ordinary tides occurring midway between springs and neaps.

In Scotland there is a general right to recreation on the foreshore (except on Orkney and Shetland). This includes the shooting wildfowl using a shotgun only and where the right has not been taken away by statute, e.g. nature reserves. BASC believes (in accordance with Home Office guidance chapter 6.14) where ‘any right’ to shoot exists then there is a right to lend a shotgun under Section 11(5). In Scotland the foreshore is the area of land between the high and low water marks of ordinary spring tides.

See also: “Young People and Shotguns” fact sheet available at www.basc.org.uk

Option b) - Firearms Act 1968, Section 11(6)

This exemption is primarily intended for established clay layouts open to the public whereby the proprietor administers the site without needing to supervise the shooting. A certificate holder may take non-certificate holders to the shooting site and look after them without the need of the landowner or proprietor.

S11(6) States:

“A person may, without holding a shotgun certificate, use a shotgun at a time and place approved for shooting at artificial targets by the chief officer of police for the area in which that place is situated.”

Whilst the Act does not refer specifically to clay pigeons, this is the most usual form of artificial target shooting using shotguns. This is **not** to say that shooting at other artificial targets cannot be considered.

1. The organiser of any clay pigeon shoot at which persons who do not hold a shotgun certificate wish to shoot must apply to the police firearms department for the area in which the shoot is to take place for an exemption under this section.

2. This allows non-certificate holders to use shotguns at a time and place approved by the police for shooting at artificial targets, which include clay pigeons.
3. This exemption from certification applies ONLY to shotguns falling under section 2 of the Firearms Act 1968 (as amended)
4. Any person under 15 using a shotgun must be supervised by a person of or over 21. (Firearms Act 1968, Section 22(3))
5. Prohibited persons as defined by Section 21 of the Firearms Act 1968 (if known) must not be permitted to be in possession of guns or ammunition.
6. The owners of any shotguns used on the site should bear in mind that the security of those guns remains **solely** their responsibility.
7. To gain police approval it is necessary to write to the police firearms licensing department for the area concerned seeking a Section 11(6) Exemption. In the event of a club or individual organising such events on a regular basis the police may issue the Section 11(6) Exemption for a period of time, for instance, for a year.

PRACTICAL GUIDANCE

1. There should be a zone extending to 275 metres from the shooting point in the direction of fire, which should be clearly defined.
2. Shot, broken or whole clay targets should not land on any areas where the public have access, or where permission from the owner of the land has not been granted.
3. No person who appears to be intoxicated or under the influence of drugs should be allowed to shoot.
4. All guns should only be loaded when on the firing point.
5. Health & Safety regulations require that appropriate safety equipment must be made available to all parties requiring it.
6. Initial application for a site should be made a reasonable time before the first such event is to take place (preferably at least 4 weeks.)
7. The organiser must be in a position to accept responsibility for safety at the event, and should do so.
8. The organiser of such an event has a liability in law, and is advised to have an appropriate form of insurance to cover any accidents, third party liability, employers liability etc. depending on the circumstances.
9. The period of validity for the exemption may vary dependant on individual/club circumstances and specific requirements should be discussed in detail with the firearms licensing department.
10. You should be aware of the potential for noise pollution.
11. You should consider conducting a risk assessment for the activity.

A sample letter of application is shown below;

Firearms Act 1968, Section 11(6)

Full name of organiser

Address of organiser

Date of birth of organiser

Telephone number(s) of organiser

Fax/e-mail address, if any

Name (if any) of event or organisation.

Time(s) of event(s)

Date(s) of Events(s)

Address of event (or brief details of land over which it is intended to shoot)

I accept responsibility for the safe conduct of the event(s) and will comply with the guidelines.

Signature

Print name

Date

ENQUIRIES TO: Phone 01244-573010
E-mail: firearms@basc.org.uk

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