



## ***YOUNG PEOPLE AND SHOTGUN CERTIFICATES***

**Note:** The law has recently changed due to "The Firearms (Amendment) Regulations 2010" – this document has been amended to incorporate the age changes given by the regulations.

### **1) THE LAW**

The Firearms Act 1968, imposes no minimum age for the grant of a Shotgun certificate. The Act has been amended on several occasions since it became law and without change to this provision.

Section 28. A Chief Officer **shall** grant a shotgun certificate unless;

- The applicant is a prohibited person (someone who has served a significant custodial sentence); or
- The Chief Officer has reason to believe that he cannot be permitted to possess a shot gun without danger to the public safety or to the peace; or
- The Chief Officer believes that the applicant has no good reason for possessing a shotgun). Firearms (Amendment) Act 1988, Section 3. (The burden falls on the police to demonstrate that the applicant has no good reason rather than vice versa.

Even if a young person is granted a shotgun certificate he is not allowed to use a shotgun without the supervision of an adult (>21 years) until he is 15. This deals with any objections which might be based on concerns over the age of criminal responsibility.

A young person cannot buy or hire a shotgun or ammunition until he is 18.

### **2) THE LICENSING PROCESS**

Settled law requires that a Chief Officer must consider each case on its merits and from the standpoint of the applicant rather than from that of an objector. (*Anderson – v Neilans (1940)*, *Joy – v – Chief Constable Dumfries and Galloway (1966)*).

Chief Officers are not allowed to have blanket policies. Any policy must not be punitive and must always admit of exceptions if it is to be lawful. *R – v Wakefield Crown Court, ex parte Oldfield 1977*.

In considering an application, Chief Officers should apply the following criteria

- Is the young person of adequate stature to use a shotgun safely?
- Does he understand the basic rules of safe gun handling and can he demonstrate them?
- Will he receive proper support and training from his immediate social circle?

If the answer to all of these questions is YES then the grant of a certificate to a young person poses no danger to public safety or to the peace

### **3) THE OFFICIAL VIEW**

*"It is in the interests of safety that a young person who is to handle firearms should be properly taught at a relatively early age."* Home Office Guidance to the Police. Section 7.21

### **4) A JUDICIAL VIEW**

*"We do not consider that the appellant's age is either directly or indirectly something likely to give rise to the safety of the public or to the peace"* (per Garland J and Justices in Peter Burge - v - Chief Constable of Norfolk, December 1994).

### **5) THE GOVERNMENT'S VIEW**

*"As with many other issues, we believe that this is one on which parents should decide the age at which their children should take part in shooting sports."*

Charles Clark MP in the government's reply to the Home Affairs Committee Report "Controls over Firearms". Cm 4864 October 2000 (The then Home Secretary rejected the Committee's proposal that there should be a minimum age for handling any firearm, set at 12 or 14 years).

### **6) WHY YOUNG PEOPLE APPLY FOR CERTIFICATES**

Young people need shotgun certificates to be able to borrow shotguns when under the age of 15. Whilst this age group must be supervised at all times by a 21 year old or over, there are times when the lending certificate holder cannot be immediately present and the youngster is placed with a suitable person aged over 21.

From the age of 15 a shotgun may be gifted to the young person and used on private premises without supervision, a certificate is required to facilitate this.

For additional information see BASC's fact sheets "**Young People and Shotguns**" and "**Borrowing Shotguns**" available from the BASC website [www.basc.org.uk](http://www.basc.org.uk)

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