

From: **S40(2)**

To: Adrian Davis

CC: **S40(2)**

Time: 15/10/2024 @ 15:25

Background:

At the BSSC meeting, several governing bodies noted that the responses received from different police forces varied greatly when notifying the police of new members, if at all.

Current Situation:

Clubs are required to notify Police of new applications for membership. There is no requirement for Police to acknowledge or respond to these notifications. (See Footnote)

It is the clubs responsibility to ensure that prospective members are suitable, although there is currently no practical way for them to do so.

It is NOT down to the police to decide who can be a member of a private club. With this in mind, the 3 standard responses usually used are:

- 1) No issues
- 2) If this person were to apply for a certificate it would not be straightforward
- 3) This person is prohibited under S21 of the Firearms act 1968

This is generally based on a PNC/Local intelligence check and the opinion of the person responding to the club as there are no guidelines as to what would bar someone other than being prohibited.

Options:

- 1) Do Nothing
- 2) Introduce a standardised approach based around the above process but include PND Checks to ascertain if an applicant has come to notice in another area.
- 3) Introduce a new process, agreed nationally and with the governing bodies, that is consistent and effective. The checks carried out on applicants to clubs are far less stringent than those carried out on applicants for a certificate but they result in a person having access to firearms and ammunition nonetheless. There is no effective way for a club to run a background check on a member and as a result it defaults to the police to do so. We might as well do it properly and look at some form of cost recovery to allow the same comprehensive checks to be carried out on applicants for clubs as applicants for a certificate.

****S31(1)****

From The Guidance:

17.25 Under the terms of their approval, clubs are obliged to notify the police of any applications for membership, giving the applicant's name and address and the outcome of any application. The police should acknowledge receipt of such notifications. The notes on the criteria for Home Office or Scottish Government approved club status indicate that clubs should make their own arrangements for assessing whether members or prospective members are of good character and that chief officer of police should not be asked to disclose whether or not someone has a criminal record. Nevertheless, notification will enable the police to take prompt action where the applicant is found to be a prohibited person or is

considered not to be a suitable person to be issued with a firearm certificate.

17.26 Current legislation/common law does not allow for the disclosure by the police to a shooting club of personal details of a member, or prospective member, unless the information is needed to prevent (or detect) a crime, or to enable the apprehension or prosecution of an offender. If, for example, an applicant is a prohibited person, an offence could have taken place and the club's full co-operation would be required to provide evidence for any prosecution under section 21 of the 1968 Act. If it is necessary to disclose the prohibition in order to investigate the matter it would be lawful to do so. If an individual is judged to be unsuitable for other reasons, the club liaison officer should be formally so notified in a timely manner.

Regards,

****S40(2)****