



NON-CERTIFICATE HOLDERS & SHOTGUNS

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NON-CERTIFICATE HOLDERS USING SHOTGUNS

Sections 11(5) and 11(6) -Firearms Act 1968 allow non-Certificate holders to shoot in the following circumstances ONLY:

- a) when borrowing a gun from the occupier of private premises, on the occupier's land and in his/her presence.

or

- b) when at a police approved clay shoot.

NOTE:

The Home Office publication: Firearms Law, Guidance to the Police 2002 provides guidance relating to a) above in Section 6.14. It says; "*The presence of the occupier is normally taken to mean within sight and earshot of the individual borrowing the firearm*".

It further mentions that "*The term 'occupier' is not defined in the Firearms Acts, nor has a Court clarified its meaning*".

To gain police approval under b) it is necessary to write to the Chief Constable for the area concerned seeking a Section 11(6) Exemption.

When making this request one should give the date(s), time(s) and venue(s) of the event(s).

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.

Holding a shoot where non-Certificate holders are participating without such an exemption would place organisers and participants outside the law.

DETAILED GUIDANCE, INCLUDING A DETAILED SAMPLE LETTER ON HOW TO APPLY FOR A SECTION 11(6) EXEMPTION IS ATTACHED.

ENQUIRIES TO:

FIREARMS DEPT - 01244 573010
e-mail: anne.hubbard@basc.org.uk

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Firearms Act 1968, Section 11(6)

In order to assist you with your application, BASC have set out the law in relation to this matter, and attached some general guidance to operators of clay pigeon shooting events. If you are able to comply with this guidance, please sign the attached pro-forma and return it to your local police licensing department for consideration.

Section 11(6) of the Firearms Act 1968 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 pigeon shooting, 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 Chief Officer for the area in which the shoot is to take place for an exemption under section 11(6) of the 1968 Firearms Act.
2. This allows non-certificate holders to use shotguns at a time and place approved by the Chief Officer 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.

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.

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