



## **Position Statement: Firearms - Government Consultations 01 August 2019**

You may be aware that the Home Office have launched a [consultation](#) on the **Statutory guidance to police on firearms licensing**

The LMC view is that this is an improvement to the current system as it removes the current ambiguity where in some instances licences are issued without the police having received independent medical verification and formally acknowledges the right for a GP to charge a fee. In summary no report = no licence. It also formalises the situation where GPs have a conscientious objection to providing this information.

In stating that practices can charge a fee it acknowledges our long-held view that this is not essential services under GMS/PMS. However, in our view the consultation is less clear on whether practices would be obliged to complete the request if they do not wish to on the grounds of capacity and workload. It is worth stressing that at this stage this is a Home Office consultation and practices may wish to consider responding if they have views which they wish to be taken into account. In the interim practices are strongly advised to continue to follow the extant BMA guidance which can be found [here](#).

The relevant sections from the full draft of the Home Office consultation is reproduced below for ease:

### **Medical information from the applicant's GP**

2.24 Chief officers should consider information provided by the General Practitioner (GP) of every person who applies for either the grant or renewal of a firearm or shotgun certificate, or to be registered as a firearms dealer, to assess any issues regarding medical suitability. If an applicant does not have a GP in the UK they will not be able to fulfil the criteria to be issued with a firearm or shotgun certificate.

### **Information sharing between the GP and police**

2.25 The application form requires the applicant to declare relevant medical conditions. The police may approach the applicant's GP to obtain medical information both during the application process and at any time during the period of validity of the certificate if there are concerns about the applicant's continued fitness to possess firearms. The GP may seek the applicant's consent before disclosing their medical information.

### **Medical information required by the police**

2.26 When a person applies for a firearm or shotgun certificate the police will ask the applicant's GP to:

- (i) confirm whether or not the applicant is or has been treated for any relevant medical condition which could affect their ability to possess a firearm safely; and
- (ii) place a firearm reminder code on the applicant's patient record and confirm that they have done so.

2.27 GPs should not be asked to give general access to an applicant's medical record. Nor should they be asked to either endorse or oppose applications. Responsibility for the decision about whether a person is suitable to be granted a certificate lies with the police, not the GP.

### **Relevant medical conditions**

2.28 Relevant medical conditions include:

- (i) Acute Stress Reaction or an acute reaction to the stress caused by a trauma;
- (ii) suicidal thoughts or self-harm;
- (iii) depression or anxiety;
- (iv) dementia;
- (v) mania, bipolar disorder or a psychotic illness;
- (vi) a personality disorder;





- (vii) a neurological condition: for example, Multiple Sclerosis, Parkinson's or Huntington's diseases, or epilepsy;
- (viii) alcohol or drug abuse; and
- (ix) any other mental or physical condition which may affect the safe possession of firearms or shotguns.

### **Payment of a fee**

2.29 In any case where the GP requests that a fee be paid in advance of responding to the police request for information, this is a matter between the applicant and his or her GP. It is not an issue that the police should become involved in.

### **If the GP does not provide the information requested the certificate should not be issued**

#### ***I. If the GP declines to engage with the police***

2.30 The provision of relevant medical information from an applicant's GP is necessary in order to determine the level of risk to public safety arising from the grant of a certificate. The certificate should not, therefore, be granted or renewed if this information is not provided. The police should follow the procedure set out below.

2.31 Following the initial approach to the applicant's GP, if the police receive no response within 21 days and it is not known why this is the case, the police should consider sending a reminder to the GP.

2.32 If a reminder is sent and the GP still fails to engage, the police should inform the applicant:

- a) that this is the case;
- b) that the application cannot be progressed in the absence of a response from the GP; and
- c) that the application will therefore be put 'on hold' pending receipt of the required information from the GP.

2.33 The application can be held for a period not exceeding six months, after which the applicant should be informed that it has lapsed.

#### ***II. If the GP has a conscientious objection to firearms***

2.34 If the GP indicates to the police that he or she is unwilling to respond because they have a conscientious objection to the possession of firearms, the applicant should be encouraged to pass the request to another GP in the same practice, or in another practice where practical, who may be willing to respond to the request. In the unlikely event that no GP in the practice or local area is prepared to respond, the applicant may need to consider moving to a different GP practice. If they do not wish to change their GP practice, the applicant should discuss with the police whether it would be acceptable to obtain a copy of their medical information from the GP practice for consideration by the force medical officer or by a private GP.

#### ***III. If the GP indicates that there are medical issues***

2.35 Where the GP indicates that there are relevant medical issues but does not provide further details, the police should ask the applicant to contact their GP to obtain a report about these medical issues. If the GP requires a fee to be paid for providing such a report, this will be payable by the applicant. If, following receipt of the above report, the police have concerns about any of the medical information given or wish to obtain a more detailed report, they may request this from the GP or, if appropriate, a relevant specialist. The police should meet any costs associated with the provision of this additional report.

2.36 If the applicant has declared a relevant medical condition on the application form the police may ask the applicant to obtain and pay, if required, for a medical report to assist with their consideration of medical suitability. If a further medical report is required, the police will pay for this.

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