

## Statistical Bulletin

### Firearms Importation Offences

#### Introduction

This bulletin provides information on volumes and sentence outcomes for adult offenders<sup>1</sup> sentenced for offences covered by the Sentencing Council's draft guideline on firearm importation offences, covering the following offences under the Customs and Excise Management Act 1979 (CEMA):

- Import prohibited weapons or ammunition with intent to evade a prohibition or restriction (section 50(3),(4), (5A)(a))
- Fraudulent evasion of prohibition or restriction on prohibited weapon or ammunition (section 170(1)(b) and (3), 170(2),(3), and (4A)(a))

The Court Proceedings Database (CPD), maintained by the Ministry of Justice, is the data source for this bulletin.

Additional figures are available to download as Excel spreadsheets or Open Document spreadsheets at the following link:

<http://www.sentencingcouncil.org.uk/publications/?type=publications&s&cat=statistical-bulletin>.

#### Contents

Import prohibited weapons or ammunition	1
Fraudulent evasion of prohibition or restriction	3
Further information	4

#### **Import prohibited weapons or ammunition with intent to evade a prohibition or restriction (section 50(3),(4), (5A)(a))**

##### **Sentence volumes**

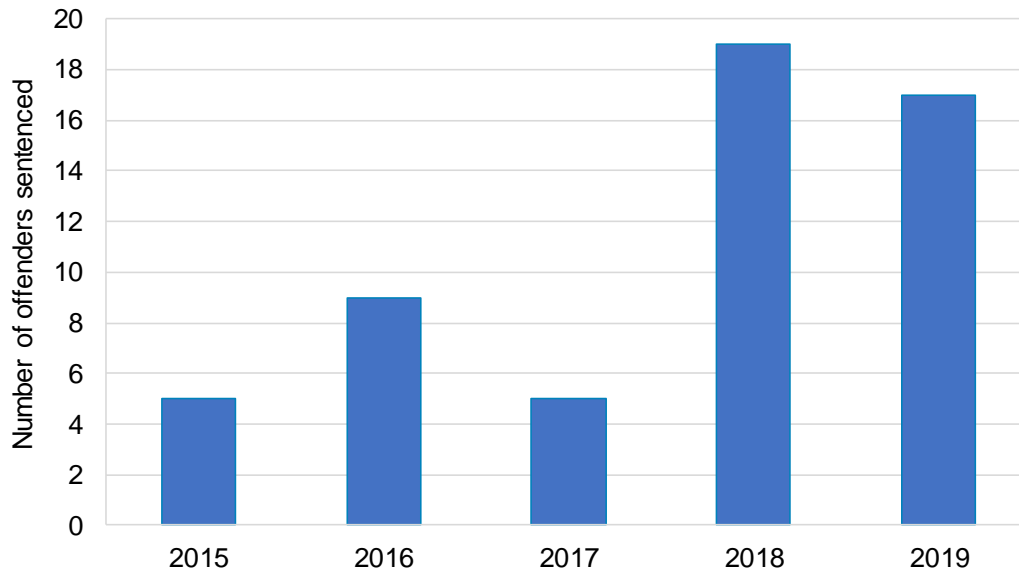
Section 50 of the CEMA came into force in 1979 and has seen several updates since then. The most recent change occurred in 2014 and resulted in a change to the statutory maximum sentence, with the first offenders sentenced under this revised offence in 2015. Therefore, the statistics for this offence are presented for calendar year 2015 onwards.

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<sup>1</sup> Offenders aged 18 or over at the time of conviction.

Between 2015 and 2019,<sup>2</sup> around 60 offenders were sentenced for importing prohibited weapons or ammunition with intent to evade prohibition or restriction. Most of these offenders were sentenced in the magistrates' court (78% since 2015).<sup>3</sup>

**Figure 1: Number of adult offenders sentenced under section 50(3),(4), (5A)(a) of the CEMA 1979, 2015-2019**



### Sentence outcomes and lengths

The most common outcome for adult offenders sentenced for importing prohibited weapons or ammunition with intent to evade prohibition or restriction was a fine (42 per cent) and just under a quarter (24 per cent) were given a suspended sentence. A further 16 per cent were given a community sentence, 11 per cent were given an immediate custodial sentence and 7 per cent were given a discharge.

The statutory maximum for this offence is 7 years' custody unless the offence is committed in Great Britain in connection with a prohibition or restriction on the importation or exportation of any weapon or ammunition that is of a kind mentioned in section 5(1)(a), (ab), (aba), (ac), (ad), (ae), (af) or (c) or (1A)(a) of the Firearms Act 1968, in which case the maximum is life imprisonment. The average (mean) custodial sentence length (ACSL)<sup>4</sup> between 2015 and 2019 was 2 years 11 months<sup>5</sup> and the highest sentence given was 10 years.

<sup>2</sup> Due to the small number of offenders sentenced for these offences, 5 years of data have been presented.

<sup>3</sup> Within the CPD data, it is not possible to identify the weapon present, therefore, care should be taken when interpreting these statistics as they may include cases in which the weapon present was not a firearm and as such may influence the volumes of offenders sentenced or the sentence given.

<sup>4</sup> The average custodial sentence lengths presented in this report are mean average custodial sentence length values for offenders sentenced to determinate custodial sentences, after any reduction for guilty plea

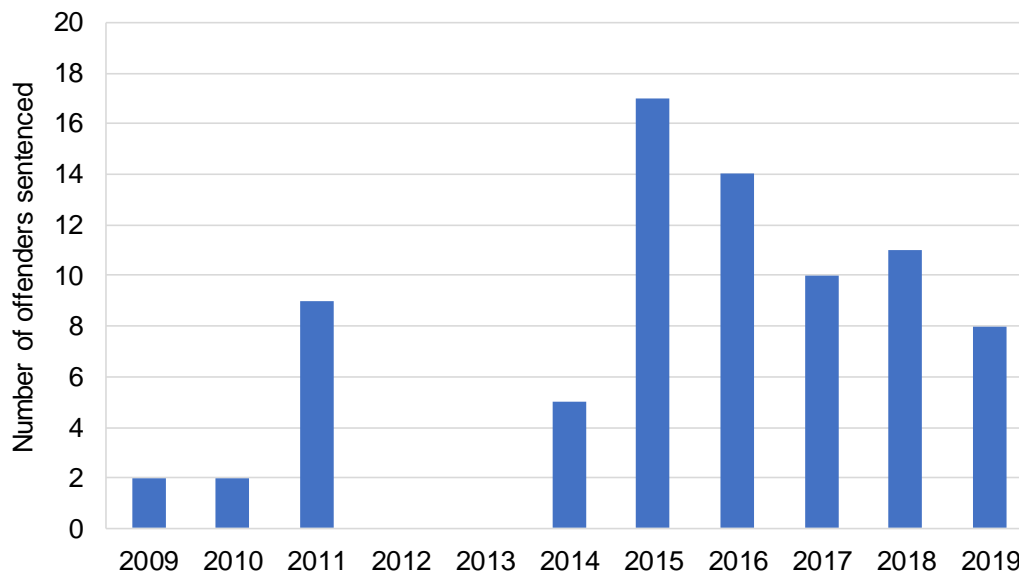
<sup>5</sup> It is not possible to distinguish the weapon used within the CPD; therefore, it is not possible to identify any offenders whose sentence has been incorrectly recorded as above the statutory maximum.

## Fraudulent evasion of prohibition or restriction on prohibited weapon or ammunition (section 170(1)(b) and (3), 170(2),(3), and (4A)(a))

### Sentence volumes

Between 2015 and 2019 **Error! Bookmark not defined.** around 60 offenders were sentenced for fraudulent evasion of prohibition or restriction on prohibited weapon or ammunition.<sup>3</sup> Unlike section 50, most section 170 offences have been sentenced in the Crown Court (85 per cent since 2015).

**Figure 2: Number of adult offenders sentenced under section 170(1)(b) and (3), 170(2),(3), and (4A)(a) of the CEMA 1979, 2009-2019**



### Sentence outcomes and lengths

Nearly half (48 per cent) of adult offenders sentenced for section 170 offences between 2015 and 2019 were sentenced to immediate custody. A further 35 per cent were given a suspended sentence, 10 per cent received a community sentence, 5 per cent received a fine and 2 per cent were given a discharge.

As with section 50 offences, the statutory maximum for section 170 offences is 7 years' custody unless the offence is committed in Great Britain in connection with a prohibition or restriction on the importation or exportation of any weapon or ammunition that is of a kind mentioned in section 5(1)(a), (ab), (aba), (ac), (ad), (ae), (af) or (c) or (1A)(a) of the Firearms Act 1968, in which case the maximum is life imprisonment. Between 2015 and 2019, the ACSL was 6 years 9 months<sup>5</sup> and the highest sentence given was 22 years.

## Further information

### Volumes of sentences

The data presented in this bulletin only include cases where the offence detailed was the principal offence committed. When an offender has been found guilty of two or more offences, the principal offence is the offence for which the heaviest penalty is imposed. Where the same disposal is imposed for two or more offences, the offence selected is the offence for which the statutory maximum penalty is the most severe. Although the offender will receive a sentence for each of the offences that they are convicted of, it is only the sentence for the principal offence that is presented in this bulletin.

### Sentence outcomes

The outcomes presented are the final sentence outcomes, after taking into account all factors of the case, including whether a guilty plea was made. This is because the sentence length information available in the Court Proceedings Database is the final sentence imposed, after any reduction for guilty plea.

### General conventions

Actual numbers of sentences have been rounded to the nearest 100 when more than 1,000 offenders were sentenced, and to the nearest 10 when fewer than 1,000 offenders were sentenced.

### Data sources and quality

The source of data for this bulletin is the Court Proceedings Database (CPD), which is maintained by the Ministry of Justice (MoJ). Every effort is made by MoJ and the Sentencing Council to ensure that the figures presented in this publication are accurate and complete. However, it is important to note that these data have been extracted from large administrative data systems generated by the courts and police forces. As a consequence, care should be taken to ensure data collection processes and their inevitable limitations are taken into account when those data are used.

Further details of the processes by which MoJ validate the records in the CPD can be found within the guide to their Criminal Justice Statistics publication which can be downloaded via the link:

<https://www.gov.uk/government/collections/criminal-justice-statistics>

### Contact points for further information

We would be very pleased to hear your views on our statistical bulletins. If you have any feedback or comments, please send them to:

<mailto:research@sentencingcouncil.gov.uk>

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Further information on the Sentencing Council and its work can be found at:

<http://www.sentencingcouncil.org.uk/>