

## Statistical Bulletin

### Firearms 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 firearms offences. There are eight draft guidelines covering the following offences, which are all covered by the Firearms Act 1968:

- Possession, purchase or acquisition of a prohibited weapon or ammunition – sections 5(1), 5(1A);
- Possession, purchase or acquisition of a firearm/ammunition/shotgun without a certificate – sections 1(1), 2(1);
- Possession of a firearm or ammunition by person with previous convictions prohibited from possessing a firearm or ammunition – section 21(4);
- Carrying a firearm in a public place – section 19;
- Possession of firearm with intent to endanger life – section 16;
- Possession of firearm or imitation firearm with intent to cause fear of violence – section 16A;
- Use of firearm or imitation firearm to resist arrest/possession of firearm or imitation firearm while committing a Schedule 1 offence/carrying firearm or imitation firearm with criminal intent – sections 17(1), 17(2), 18; and
- Manufacture/sell or transfer/possess for sale or transfer/purchase or acquire for sale or transfer prohibited weapon or ammunition – section 5(2A).

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>.

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

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## Possession of prohibited weapon

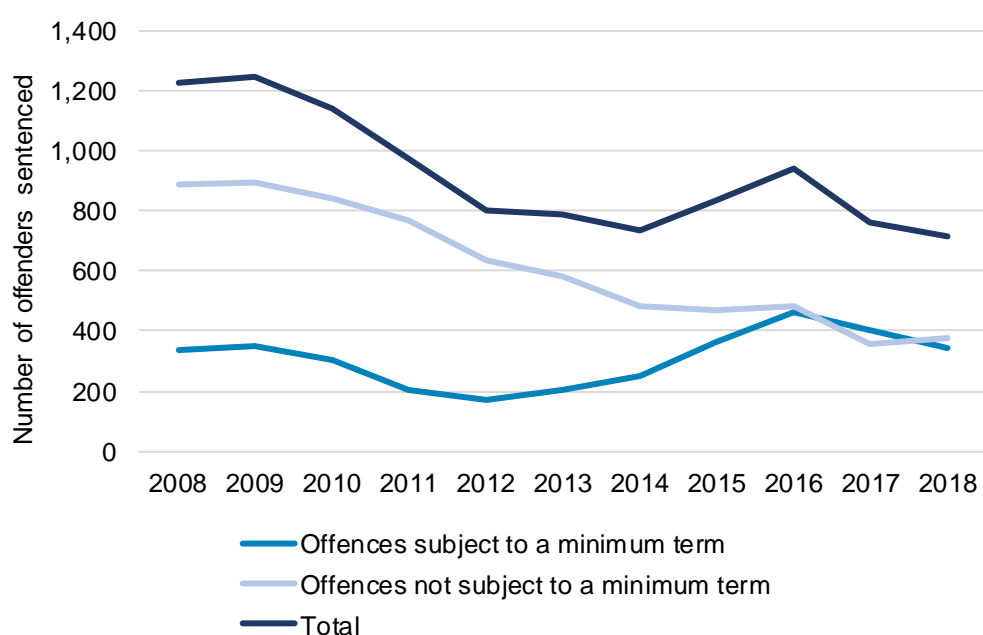
### Sentence volumes

The number of offenders sentenced for possession of prohibited weapon offences has generally decreased over the last decade, from around 1,200 in 2008 to 720 in 2018 (see figure 1).

Around half of offenders sentenced in 2018 (48 per cent) were sentenced for offences which are subject to a mandatory minimum sentence of 5 years' custody (such as possession of an automatic weapon). These offences are indictable only and can therefore only be sentenced in the Crown Court.

The remaining offenders were sentenced for possession of prohibited weapon offences which are not subject to a mandatory minimum sentence (for example possession of a stun gun). Just under two thirds of offenders sentenced for these offences in 2018 were sentenced in magistrates' courts (64 per cent).

**Figure 1: Number of adult offenders sentenced for possession of a prohibited weapon, 2008-2018**



## Sentence outcomes and lengths

Of those offenders sentenced in 2018 for prohibited weapon offences subject to the minimum term, 90 per cent were sentenced to immediate custody.<sup>2</sup>

For prohibited weapon offences which are not subject to a minimum term, the most frequently used sentence outcomes in 2018 were community sentences (30 per cent of offenders sentenced), followed by suspended sentences (26 per cent). A further 17 per cent of offenders were sentenced to immediate custody.

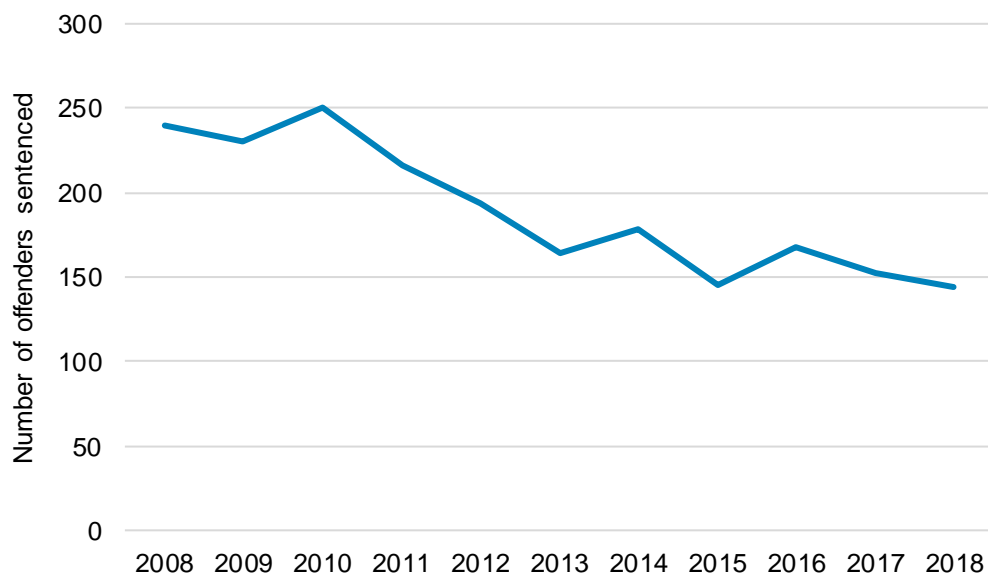
The statutory maximum sentence for these offences is 10 years' custody. For offences subject to the minimum term, the average custodial sentence length (ACSL)<sup>3</sup> in 2018 was 4 years 9 months. For offences not subject to the minimum term, the ACSL in 2018 was much lower, at 1 year 3 months.

## Possession without certificate

### Sentence volumes

These offences occur when a person is in possession of a firearm, shotgun or ammunition without a certificate (i.e. a weapon or ammunition which is not prohibited). They are relatively low volume offences, and have generally been decreasing in volume over the last decade: from 240 offenders sentenced in 2008 to 140 offenders sentenced in 2018 (see figure 2). Around 69 per cent of offenders in 2018 were sentenced in the Crown Court.

**Figure 2: Number of adult offenders sentenced for possession without a certificate, 2008-2018**



<sup>2</sup> Although these offences are subject to a statutory minimum sentence of 5 years' custody, it is possible for the court to impose a less severe sentence if it finds that there are exceptional circumstances.

<sup>3</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.

## Sentence outcomes and lengths

In 2018, the majority of offenders received a custodial sentence (43 per cent were sentenced to immediate custody, and a further 20 per cent received a suspended sentence).

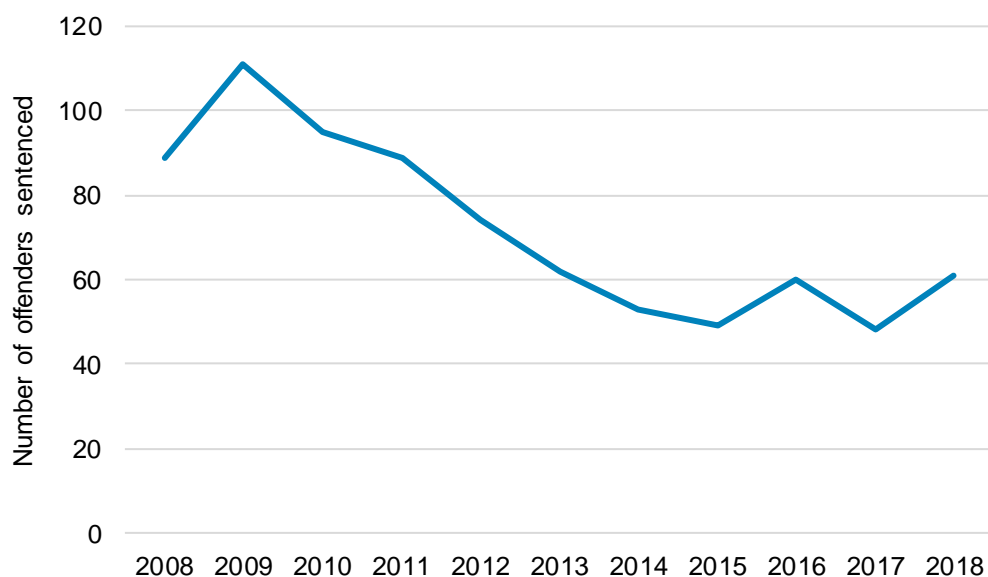
The statutory maximum sentence for this offence is 5 years' custody, or 7 years' custody for cases where the offence is aggravated (possession of a shortened shotgun or converted firearm). In 2018 the average custodial sentence length for these offences was two years.

## Possession by person prohibited

### Sentence volumes

This offence occurs when a person prohibited from possessing a firearm or ammunition is found in possession of these items. Between 2009 and 2015, the number of offenders sentenced for this offence steadily decreased, from 110 in 2009 to 50 in 2015 (see figure 3). Since 2015 the volume has fluctuated within the range of 50-60 offenders each year. In 2018, three quarters of offenders were sentenced in the Crown Court.

**Figure 3: Number of adult offenders sentenced for possession by person prohibited, 2008-2018**



## Sentence outcomes and lengths

Most offenders sentenced for these offences receive a custodial sentence; in 2018, 52 per cent of offenders were sentenced to immediate custody, and a further 28 per cent received a suspended sentence.

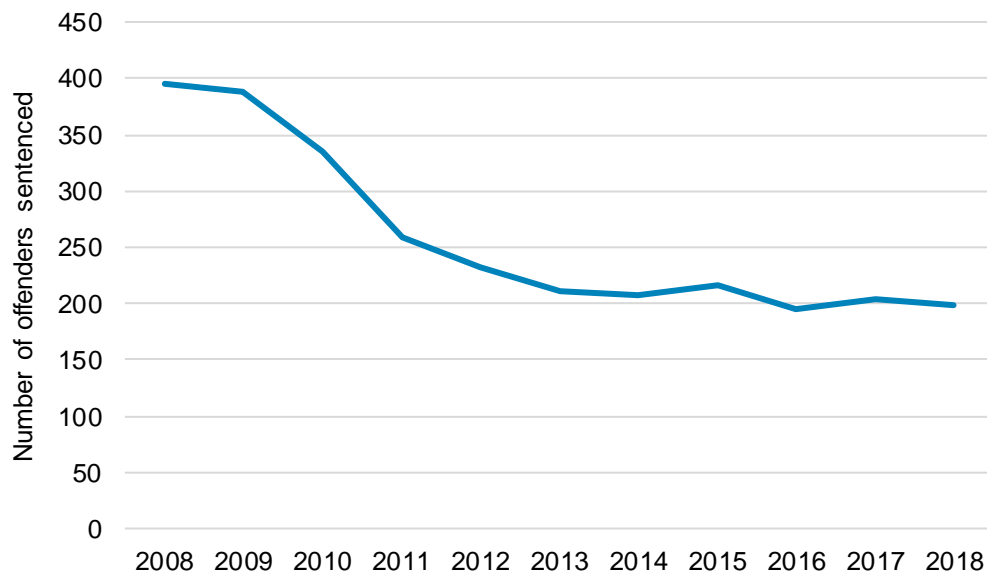
This offence has a statutory maximum sentence of 5 years' custody. In 2018, the average custodial sentence length was 1 year 1 month.

## Carrying in a public place

### Sentence volumes

Between 2008 and 2013, the number of offenders sentenced for carrying a firearm in a public place decreased, from 400 in 2008 to 210 in 2013 (see figure 4). Since 2013 the number sentenced has remained fairly stable, within the range 200-220. In 2018, 200 offenders were sentenced for this offence, and the majority were sentenced in magistrates' courts (68 per cent).

**Figure 4: Number of adult offenders sentenced for carrying a firearm in a public place, 2008-2018**



### Sentence outcomes and lengths

The most frequently used sentence outcome for these offences is a community sentence. In 2018, 39 per cent of offenders received a community sentence, and a further 21 per cent were sentenced to immediate custody.

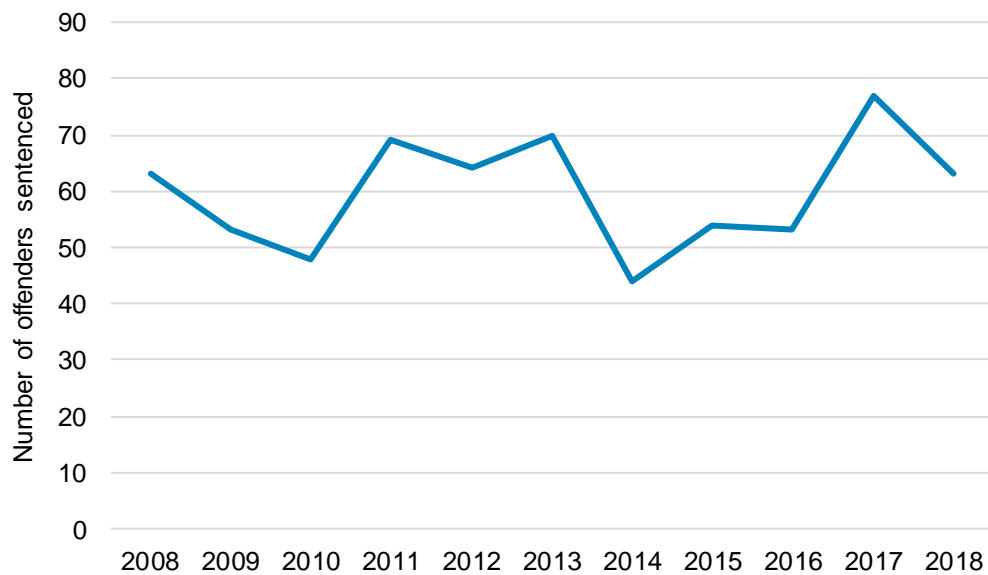
In 2018, the average custodial sentence length for offenders sentenced to immediate custody was 10 months. The statutory maximum sentence is 7 years' custody for carrying a firearm or shotgun in a public place, 12 months' custody for an imitation firearm, and 6 months' custody for an air weapon.

## Possession with intent to endanger life

### Sentence volumes

Possession of a firearm with intent to endanger life is a relatively low volume offence, with around 60 offenders sentenced in 2018. Over the last decade, the number of offenders sentenced has fluctuated within the range of 40-80 each year (see figure 5). It is an indictable only offence, and as such can only be sentenced in the Crown Court.

**Figure 5: Number of adult offenders sentenced for possession of a firearm with intent to endanger life, 2008-2018**



### Sentence outcomes and lengths

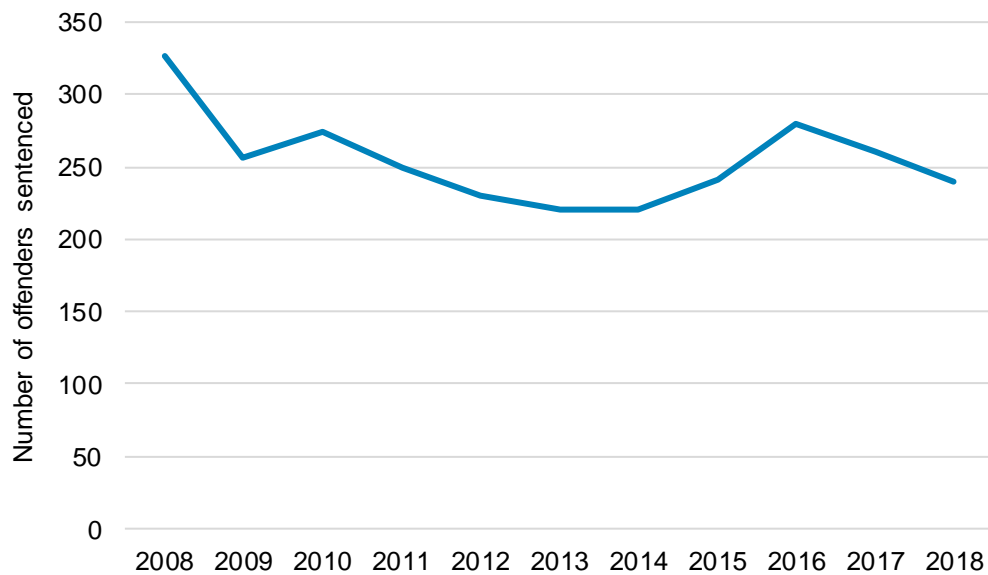
In 2018, all offenders sentenced for this offence were sentenced to immediate custody, and the average custodial sentence length was 10 years 5 months. Three quarters of offenders sentenced in 2018 received a sentence length of 14 years or less, while eight per cent were given life sentences. The statutory maximum sentence for this offence is life imprisonment.

## Possession with intent to cause fear of violence

### Sentence volumes

Between 2009 and 2018, the number of offenders sentenced for possession of a firearm or imitation firearm with intent to cause fear of violence fluctuated within the range of 220-280 (see figure 6). In 2018, around 240 offenders were sentenced for this offence. All offenders were sentenced in the Crown Court, as this offence is indictable only.

**Figure 6: Number of adult offenders sentenced for possession of a firearm or imitation firearm with intent to cause fear of violence, 2008-2018**



### Sentence outcomes and lengths

Most offenders sentenced for this offence receive custodial sentences. In 2018, three quarters of offenders were sentenced to immediate custody, and a further 18 per cent received a suspended sentence.

The statutory maximum sentence for possession with intent to cause fear of violence is 10 years' custody. In 2018, the average custodial sentence length for this offence was 2 years 6 months.

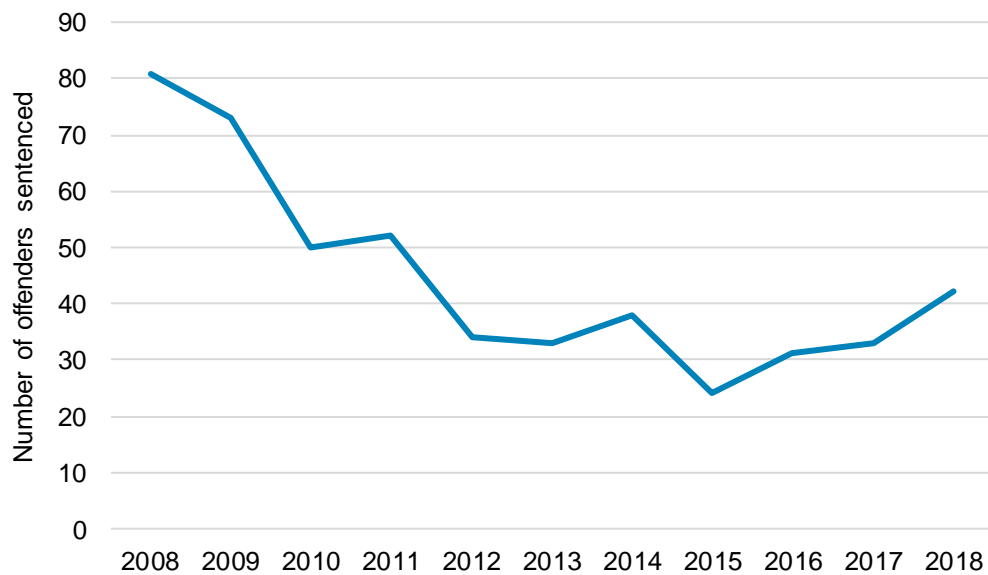
### Possession with intent – other offences

#### Sentence volumes

This guideline covers the offences of: using a firearm or imitation firearm to resist arrest; possessing a firearm or imitation firearm while committing a Schedule 1 offence; and carrying a firearm or imitation firearm with criminal intent. These low volume offences are indictable only, and are therefore only sentenced in the Crown Court.

Between 2008 and 2015, the number of offenders sentenced for these offences decreased considerably, from 80 in 2008 to 20 in 2015 (see figure 7). Since 2015 the number sentenced has been increasing, and around 40 offenders were sentenced in 2018.

**Figure 7: Number of adult offenders sentenced for possession with intent – other offences, 2008-2018**



### Sentence outcomes and lengths

The majority of offenders receive custodial sentences for these offences; in 2018, 81 per cent of offenders were sentenced to immediate custody, and a further 12 per cent received a suspended sentence.

The statutory maximum sentence for these offences is life imprisonment. In 2018, the average custodial sentence length was 6 years 5 months. Around three quarters of offenders (76 per cent) sentenced to immediate custody in 2018 received a sentence length of 8 years or less, while 12 per cent were sentenced to over 12 years (this equates to fewer than five offenders).

## Transfer and manufacture

### Sentence volumes

These offences came into force on 14 July 2014, and cover the manufacturing, selling or transferring, possessing for sale or transfer, and purchasing or acquiring for sale or transfer of a prohibited weapon or ammunition. They are very low volume offences, with 10 offenders sentenced in 2018.

### Sentence outcomes and lengths

All offenders sentenced in 2018 were sentenced to immediate custody, and the ACSL was 9 years 6 months. Over the period 2017-2018,<sup>4</sup> 57 per cent of offenders received a sentence length of 8 years or less, while 20 per cent were sentenced to over 12 years (this equates to fewer than 10 offenders). The statutory maximum sentence for these offences is life imprisonment.

<sup>4</sup> These statistics are provided for the period 2017-2018, rather than for a single year, due to the small number of offenders sentenced for these offences each year.



## Further information

### Volumes of sentences

The data presented in this bulletin only include cases where the offence detailed was the principal offence committed. When a defendant has been found guilty of two or more offences this 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 less 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. Subsequently, although numbers in the accompanying tables available online are shown to the last digit in order to provide a comprehensive record of the information collected, they are not necessarily accurate to the last digit shown.

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>

**Responsible Statistician:** Caroline Nauth-Misir Tel: 020 7071 5778

**Press Office enquiries:** Kathryn Montague Tel: 020 7071 5792

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

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