

## MCSG GUIDELINE: CARRYING A FIREARM IN A PUBLIC PLACE

Firearms Act 1968, s.19

### Firearm, carrying in public place

Triable either way (but triable only summarily if the firearm is an air weapon):  
 Maximum when tried summarily: Level 5 fine and/or 6 months  
 Maximum when tried on indictment: 7 years (12 months for imitation firearms)

<b>Offence seriousness (culpability and harm)</b> <b>A. Identify the appropriate starting point</b> Starting points based on first time offender pleading not guilty		
Examples of nature of activity	Starting point	Range
Carrying an unloaded air weapon	Low level community order	Band B fine to medium level community order
Carrying loaded air weapon/imitation firearm/unloaded shot gun without ammunition	High level community order	Medium level community order to 26 weeks custody (air weapon) Medium level community order to Crown Court (imitation firearm, unloaded shot gun)
Carrying loaded shot gun/carrying shot gun or any other firearm together with ammunition for it	Crown Court	Crown Court

<b>Offence seriousness (culpability and harm)</b> <b>B. Consider the effect of aggravating and mitigating factors (other than those within examples above)</b> Common aggravating and mitigating factors are identified on page 20 – the following may be particularly relevant but <b>these lists are not exhaustive</b>	
<b>Factors indicating higher culpability</b> 1. Brandishing the firearm 2. Carrying firearm in a busy place 3. Planned illegal use  <b>Factors indicating greater degree of harm</b> 1. Person or people put in fear 2. Offender participating in violent incident	<b>Factors indicating lower culpability</b> 1. Firearm not in sight 2. No intention to use firearm 3. Firearm to be used for lawful purpose (not amounting to a defence)

**Form a preliminary view of the appropriate sentence, then consider offender mitigation**  
 Common factors are identified on page 20

**Consider a reduction for a guilty plea**

**Consider ancillary orders, including compensation, forfeiture or suspension of personal liquor licence and football banning order (where appropriate)**  
 Refer to pages 433 - 442 for guidance on available ancillary orders

**Decide sentence**  
**Give reasons**

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