



Seizure of Legally Held Firearms and Certificates Policy (Surrey and Sussex) (1173/2026)

Abstract

This policy and supporting procedures detail the role of the Firearms and Explosive Licensing Unit (FELU), the overarching principles and actions for Force Control Room (FCR) staff, Front Office staff and police officers. Considerations around the National Decision Model (NDM) when responding to spontaneous and non-spontaneous incidents where one or more people involved is a licensed firearms and certificate holder.

Policy

1. Introduction

1.1 Due to the number of firearms and shotgun holders, firearms dealers and clubs within the Surrey Police and Sussex Police area; it is essential that each Force has a process in place whereby the suitability of existing and future firearms licence holders is robustly assessed and, where any risk is identified, firearms and certificates can be withdrawn or seized by police.

2. Scope

2.1 The procedures associated with this policy detail the following;

- The Role of the Firearms and Explosive Licensing Unit (FELU);
- Overarching principles and actions that apply to those based in the Force Control Rooms, Police Front Counter and Officers and Staff who have any involvement with the seizure of legally held firearms.
- The National Decision Model (NDM) and its application;
- Spontaneous and non-spontaneous incidents and actions.

3. Policy Statement

3.1 Surrey Police and Sussex Police (hereafter referred to as the Forces) will always strictly assess the suitability of individuals including police officers and staff to have access to and/or possession of legally held firearms and certificates. Where appropriate, necessary, and proportionate, in line with section 3.2 below (Chief Officers' overarching

Statement) firearms and certificates will be seized by officers with the full support of their Force in order to balance the risk of harm to the public or themselves with the lawful right to possess weapons.

3.2 The Forces will always support their staff and officers when making [NDM](#) based decisions in terms of those in possession of legally held firearms having an adverse effect on public safety.

Chief Officers' Overarching Statement - Ratified by ACC Rayland

"Officers and staff will be faced with situations where the removal of legally held firearms, ammunition and certificates is required for maintaining public safety, often as a neutral act, to allow a refreshed suitability assessment to take place, in line with the statutory guidance.

Officers and staff will make risk-based decisions, utilising the National Decision Model, supported by the Authorised Professional Practice (APP) Risk Principles.

The ten principles convey strong and consistent messages about the nature and consequences of risk taking and should provide reassurance to the public and the police service. When police officers and staff use the NDM and the principles, they have a more flexible policing environment where they are better equipped and supported in exercising professional judgement.

I want all officers to understand that you will have my full support in taking appropriate action where circumstances dictate and if you are in any doubt, please consult your line manager or duty supervisor."

3.3 Need for immediate action.

There may be circumstances where officers assess or are asked to consider, the need for immediate action that requires the removal of firearms, shotguns, and certificates to ensure public safety. This could include but is not limited to:

- Alcohol or drug abuse.
- Medical suitability.
- Domestic abuse (DA) incidents.
- Violence or threats of violence made to others.
- Ongoing and escalating disputes with neighbours.
- Associations or links to organised crime groups.

Involvement in crime where the conduct of the holder is such that it would be cause for concern if they were left in possession of their weapons.

3.4 Options for short notice removal of firearms, shotguns, and certificates.

If an officer assesses there is a risk to public safety, there are options available to remove weapons and certificates which include seeking voluntary surrender, revocation, and use of legal powers.

If seeking voluntary surrender, officers should engage with the individual and explain the rationale for why this is being requested. If voluntary surrender is unsuccessful, there are legal options available remove the weapons and certificates.

- Revocation of certificates can be authorised by an individual with delegated authority. See 5.10.
- If the firearm has been used or suspected to have been used in a criminal act, [Section 19 of the Police and Criminal Evidence Act 1984 \(PACE\)](#).
- The possession of the firearm or shotgun is not authorised by a firearm or shotgun certificate. This includes air weapons which are above the power level that would require a Firearms certificate or authority from the Secretary for State. [Section 47 of the Firearms Act 1968](#).
- A warrant has been issued by a magistrate. [Section 46 of the Firearms Act 1968](#).
- It is required to prevent a breach of the peace. Common Law.

Further detail on all these points can be found in the subsections below.

Procedure

1. Introduction

1.1 Individuals who are granted firearms certificates will have been assessed by the police as being suitable to possess and handle weapons. The majority comply with the legal requirements throughout the duration of their certificates, never come to police notice or become a cause for concern.

1.2 However, in the cases where those granted certificates do come to the attention of the police it is crucial that the intelligence and information is robustly assessed and any threat, risk and harm is correctly identified and, where necessary, appropriate action is taken which may include the immediate seizure of their firearm(s) and certificates or the revocation of the holder's certificate.

2. Firearms and Explosive Licensing Unit (FELU)

2.1 FELU is responsible for administering the business process for the granting, renewal, revocation, and refusal of firearms certificates.

The Force's FELU is located at Sussex Police Headquarters, Lewes Tel: (redacted text) and is open during normal office hours. FELU operate a generic email inbox which is also monitored during office hours.

The FELU management team provide an on-call function – see 5.10.

2.2 Firearms and shotgun certificate holders residing in England and Wales are flagged on the Police National Computer (PNC). The National Firearms Licensing Management System (NFLMS) is linked to PNC and is the IT system used nationally (England and Wales only) by FELUs to record information about certificate holders and their weapons.

2.3 It is acknowledged that firearms law and policy is complex. FELU can provide valuable advice, information, and support for general enquiries from officers and staff.

3. The National Decision Model (NDM)

3.1 The seizure and revocation process must be considered using the NDM in a stage by stage process:

Stage 1 – Identifying and assessing the risk.

Stage 2 – Removing or minimising the immediate risk by the seizure of the firearms, shotguns, live certificates and [Section 1 Firearms Act 1968](#) ammunition.

Stage 3 – Formal consideration of revocation.

3.2 Decisions made to revoke certificates can be subject to a direct appeal (against the revocation decision) to the Crown Court and therefore the case for revocation must be based on evidence of sufficient standard to present in Crown Court to the civil burden of proof.

4. Overarching Principles

4.1 Incidents involving certificate holders occur on a regular basis and it is both necessary and appropriate to offer guidance with regards to managing these situations.

4.2 When such incidents do occur the important question to be asked in all such situations is whether there is information or intelligence which casts doubt on the suitability of the certificate holder to possess firearms.

4.3 It is recognised that not every scenario can be catered for within this procedure but there are some general principles that are overarching.

4.4 Police Attendance at Incidents

The Force's Control Rooms (FCRs)

It is the responsibility of the staff member who takes the initial report to ensure that the NFLMS is checked for all involved parties and addresses.

The results must be recorded on SmartStorm with any positive NFLMS results being flagged to the Force Incident Manager (FIM).

NFLMS must be checked for the following incident types.

- All DA incidents, regardless of circumstances and location.
- Any incident with violence / threats.
- Any incident with use / threat of self-harm.
- Any incident with indicators of mental health issues.
- Any other incident where staff feel it is appropriate.

4.5 Attending Police Officers / Police Staff

- **Must** always check PNC to establish if a person is a certificate holder. All police officers and police staff have access to the NFLMS browser (in Sussex via the intranet - in Surrey via My Apps on the front page of the Surrey intranet), however only those who are trained will be granted a password and these expire if not used, which is a simple search engine which allows for names or address checks to be done within the Force's area to ascertain if legally held guns are possessed or stored. NFLMS access is therefore available via 24/7 Intel, contact centres or FCRs.
- **Must** always consider danger to public safety or the peace, including arrangements for storage of the firearm / shotgun / ammunition where the **certificate holder is a suspect / offender, victim of, or a witness to**, domestic violence or abuse in the family home. **Any household which is in domestic turmoil is not a suitable place for firearms to be stored.** There is a very real possibility that perpetrators of DA could pose a risk to their families and the public even in standard risk cases.

4.6 All firearms seized, must be made safe by Authorised Firearms Officers (AFOs) or other appropriately trained staff / officers. Firearms may be transported to a suitable location before being made safe. These must be red labelled and handled with care always assuming that the weapon could be loaded. If there are any safety concerns, liaise with FCR or Oscar 1 and request an AFO to attend the scene.

4.7 If seizing firearms from the owner who is present, do **NOT** allow them to clear the guns for you.

4.8 Attending officers / staff must always seize the LIVE firearm and/or shotgun certificates to prevent the holder from acquiring new firearms. Many holders will have photocopies of their live certificates; these will also need to be seized.

4.9 When seizing lawfully held guns from a certificate holder, a photograph of the weapon(s) on seizure **must** be taken and a receipt provided to the holder.

4.10 License holders should initially be encouraged to nominate either another Shotgun License holder or a Registered Firearms Dealer to take possession of their guns to prevent long term Police Storage. Section 1 Firearms must go to a Registered Firearms Dealer and cannot be stored with another License holder due to legislation. Certificates must be taken into Police Possession and retained.

If the guns cannot go to another holder or Registered Firearms Dealer, they should be stored at a police station and entered onto the property system. On occasions where

there is a significant number of weapons or ammunition, a suitable secure location must be identified to temporarily store the weapons until they have been cleared. This is likely to cause significant logistical and resource demand and must be escalated to Force Critical Incident Manager (Silver) for review. Property stores should then be contacted, and they will facilitate the movement of the weapons to the central property stores.

4.11 Officers must inform **FELU** via the generic email address that guns and certificates have been seized including the location of the guns, certificates and the NICHE reference. This will initiate a review by the FELU as to the continued suitability, or not, of the certificate holder, to possess the firearm or shotgun without causing a danger to public safety or to the peace.

4.12 Investigation of the offences / circumstances leading to the seizure of lawfully held firearms must be completed before a suitability review can be undertaken by FELU. Any review will be limited by the effectiveness of the initial investigation. FELU have 1 Sergeant and a small team of Police Constables (PCs) who deal specifically with firearms licensing offences. All other criminal matters must be investigated by Divisional Officers.

4.13 Officers deployed to the incident **and** those investigating the offences **must** ensure that the FELU are updated as to all information and intelligence relating to the investigation.

4.14 Revocation of firearms certificates are based upon the civil burden of proof - **the balance of probability** rather than the criminal burden of proof - **beyond all reasonable doubt**, so **ALL details are important. This is the same legal threshold as Domestic Violence Prevention Orders (DVPOs) and injunctions.**

4.15 Prior to the conclusion of the review by the FELU, an input will be sought from the Investigating Officers / Bluestone Teams (Sussex) as to any advice, direction or information that could assist the delegated officer in making the final decision. In DA cases this will include seeking and recording the officers Domestic Abuse Stalking and Honour Based Violence risk assessment and assessment of the suspected perpetrator against the Homicide Timeline.

4.16 Firearms and certificates will not be returned until a review of the case has been completed and the FELU Chief Inspector authorises it. The Chief Inspector must be knowledgeable of DA risk assessment and the Homicide Timeline.

4.17 Firearms and shotguns that require certification under the Firearms Act, **MUST** not be returned without the authorisation of a chief officer with the relevant Chief Constables delegated authority, i.e. FELU Chief Inspector or Superintendent.

5. Unplanned Incidents Involving Firearms / Certificate Holders

5.1 Where an incident requires an immediate or prompt police response and involves an individual licence holder, or an address with a firearms licence, the incident will be reviewed by the FIM who will determine the appropriate response.

Should unarmed officers be deployed to a location where firearms or shotguns are held, they **MUST** be given a STAY SAFE warning.

Anything that does not require an immediate response would be considered planned. Planned events directly involving the licensed weapons, such as a warrant to recover firearms will need to be reviewed by a Cadre Tactical Firearm Commander (TFC).

5.2 As with all aspects of operational policing, incidents can occur without any prior warning.

Where the actions or presence of a Firearms or Shotgun License holder indicates a significant threat, this may be declared as a Spontaneous Firearms Incident (SFI) and direction will be given based on the Threat and Risk Assessment, by the FIM.

It should be noted that not all incidents involving Firearms or Shotgun License holders will be declared as an SFI and the attending officers must develop a Dynamic Risk Assessment in line with training and policy.

5.3 Many of these situations are DA incidents, ongoing disputes with neighbours, violent or threatening behaviour or involvement in crime where the conduct of the certificate holder is such that it would be a cause for concern if they were left in possession of their firearms.

5.4 This could also include scenarios where the certificate holder poses a risk to themselves due to an illness such as mental health issues and suicidal tendencies. OR following separation where a perpetrator of DA believes they are losing control, child contact hearing decisions, stalking should feature heavily also due to the fact that it features in over 90% of homicides / femicides.

5.5 Police officers / staff who respond to or deal with incidents involving the alleged conduct of a certificate holder or who receive direct medical information about such a person, **must** conduct an initial risk assessment using the NDM as to whether they believe that person should remain in possession of their firearms and certificates.

5.6 In such circumstances it is advised that serious consideration is given to the question as to whether the **firearms and live certificates** are seized. If a criminal offence is believed to have been committed relating to the involvement of firearms, then lawfully held firearms and the live certificates should be seized as evidence of the offence using powers under PACE.

5.7 The minimum requirement would be for the officers dealing with the incident to conduct a physical check of the firearms and security measures to ensure the certificate holder is complying with all the relevant conditions of their certificate. However, in a DA linked incident or where an incident gave rise to the knowledge that there had been DA officers must consider the seizure of the weapons and be able to justify the reasons why any weapons or certificates have remained in situ. Please see section 6 below.

5.8 Where consideration is being given to allow the certificate holder to retain their firearms / shotguns and certificate(s), a Duty Inspector or supervisor must be contacted to discuss the risk assessment with the officers in attendance at the incident. However, it is the responsibility of the attending officers to provide the Duty Inspector / supervisor with a NDM focused assessment and ensure that the rationale is recorded.

5.9 If the officers decide the firearms and certificate should be removed as soon as possible, consider the statement of support provided by both Chief Constables, in section 3.2 of the policy statement. If the removal is not required as soon as possible, a warrant under [Section 46 of the Firearms Act 1968](#) must be applied for. If the decision is that this matter is not urgent, this can be passed to the FELU for action. Refer to Section 46 Warrant Application Form.

The Information laid before a magistrate to obtain a warrant under Section 46 of the Firearms Act will need to show that there is a need to seize the firearms in question because not doing so represents a danger to public safety or the peace. This will be hard to justify if the warrant is not applied for immediately after all other means of seizure have been tried and have failed. It would be beneficial for officers to have consulted on the right words on application in relation to DA such as the Homicide Timeline and serious harm indicators.

5.10 Members of the FELU management team, with the relevant delegated authority to revoke certificates on behalf of the Chief Constables, operate a 24/7 on-call facility. Advice can be sought from any member of the FELU team during office hours. Outside of office hours, the FIM / Oscar 1 should be contacted to request the details of the on-call manager.

A revocation of the certificate can only be authorised by FELU staff with the delegated authority from the Chief Constables. This, however, does not prevent Firearms / Shotguns and Certificates from being seized by any officer.

The on-call manager can provide help and guidance, and where a NDM assessment suggests the immediate revocation of a certificate is required, authorise, and issue the revocation letter that can then be served to the holder. Once the revocation letter has been served, officers may use powers under PACE to arrest and seize if required.

5.11 Where a certificate holder is arrested, then it is the responsibility of the arresting officer to make the Custody Sergeant aware that the detainee has access to firearms, and this must be factored into the pre-release risk assessment.

5.12 Once criminal matters are concluded or otherwise resolved, the FELU will conduct their own investigation and an assessment on continued suitability, will be conducted.

5.13 National Ballistics Intelligence Service (NABIS) / FELU officers / staff are not experts or professional witnesses, and their opinion cannot be used in criminal prosecutions. Firearms must be sent to an accredited laboratory (accredited to ISO 17025) for a threshold test. To ensure the Crown Prosecution Service (CPS) accept a guilty plea the threshold test must have been passed.

6. Domestic Incidents

6.1 For all incidents involving DA, including non-crime reports, the attending officers **MUST** seize all licensed firearms, shotguns and live certificates, unless there is significant information based on a DA and NDM risk assessment, that the THREAT, HARM and RISK is minimal, for example, this is a low-level, one-off incident with no previous history. However, there may be other factors present, and the decision should

not be based on the severity of the incident alone. Consider Controlling and Coercive Behaviours (CCBs) and understand if the victim or disputant is in fear due to the presence of firearms or shotguns. This also applies if the victim is the licence holder.

Risk level is likely to be irrelevant as most DA homicides / femicides occur from standard risk assessed incidents. In part due to a lack of understanding around what constitutes risk historically but continued lack of understanding around CCB offences. This is to ensure no preventable harm is caused by the potential misuse of firearms or shotguns. Officers must request the certificate holder to hand over any legally held guns for safe keeping whilst investigations continue into the incident, advising them that this is the safest and most responsible course of action. If asked and the certificate holder refuses, it must be explained that under the statement of support provided by both Chief Constables, (in section 3.2 of the policy statement), their certificates and weapons will be seized.

6.2 Officers **MUST** take action even if the parties involved live separately, there can still be a significant risk. Officers **MUST** always attend to remove firearms, shotguns, and certificates where the informant has been seen away from the location where the firearms and shotguns are stored. This includes where the licence holder has shared possession or remote security. These details are available on NFLMS.

If the licence holder involved keeps their firearms or shotguns outside of the Surrey or Sussex Force areas, officers **MUST** immediately contact the home force and pass the relevant details so that home force can make their own assessment.

Where there is the intention to deal with a DA suspect outside of custody, officers **MUST** attend and seize firearms, shotguns and certificates at the earliest opportunity whilst waiting for the suspect to be dealt with a later date.

6.3 For all DA incidents, the decision to **NOT** seize firearms, shotguns, and certificates **MUST** be ratified by the DUTY INSPECTOR. In these circumstances, the Duty Inspector **MUST** ensure the FELU are informed.

6.4 Stalking – Domestic and Non-Domestic

Officers investigating Stalking and Harassment offences, must complete the Stalking Screening Toolkit.

Where the offence of Stalking has been identified and either the victim or perpetrator are firearms or shotgun licence holders, officers **MUST** recognise the increased risk factors associated with the behaviours displayed in such offences. **Remember – FOUR (Fixated, Obsessive, Unwanted, Repeated).**

Refer to the respective Force policies for further information.

Surrey: Stalking and Harassment Policy.

Sussex: Stalking and Harassment Policy (578).

6.5 Officers **MUST** seize the holder's firearms, shotgun, and live certificates with immediate effect to prevent harm. Where this has not been practicable, the Duty Inspector **MUST** be made aware. The decision to NOT seize firearms, shotguns and certificates **MUST** be ratified by the DUTY INSPECTOR. In these circumstances, the Duty Inspector **MUST** ensure the FELU are informed.

7. Planned Action

7.1 Non-spontaneous slow time action is where information is received, other than by response, to an incident which necessitates a risk assessment being undertaken.

7.2 Information casting doubt as to the suitability (to retain firearms) can come to notice through various channels such as:

- In Force arrest via Niche.
- An Intelligence submission.
- PNC notification from another force to the FELU.
- Information submitted direct to the FELU from various sources.

7.3 A risk assessment must be carried out by the person holding the information or forming the opinion and positive action taken to recover the firearms and certificates.

If the removal is not required as soon as possible, consideration can be given to obtaining a Section 46 warrant. In the first instance, the on call FELU manager should be contacted to discuss and provide advice. See section 10.1 – Police Powers - Section 46 Firearms Act 1968.

7.4 If asked by the certificate holder what action could be taken by the police if they refused to co-operate and the use of the NDM indicates high risk and a need for immediate seizure, it must be explained that under the statement of support provided by both Chief Constables, (in section 3.2 of the policy statement), their certificates and weapons will be seized.

Officers and staff who decide to seize weapons must also seize the LIVE certificates to ensure the certificate holder does not obtain further firearms whilst their case is reviewed by the relevant FELU.

8. The FELU Process

8.1 Once firearms and certificates are seized then the process of formally assessing whether the person's certificate should be revoked will be commenced by the FELU. This process could include:

- Further visits to the certificate holder by Firearm Enquiry Officers (FEOs).
- Seeking professional opinion from external specialists.

- Working with internal specialist units (Domestic Abuse teams (Bluestone Teams, Sussex), Intelligence, Criminal Investigation Department (CID)).
- Liaising with legal representatives.
- Medical issues or illnesses are also a common cause of concern. All certificate holders will have consented to the police accessing their medical records. However, when good reason exists the FELU will write to their General Practitioners for factual medical information to enable the unit to make an informed recommendation with regards to suitability. Contact with Safeguarding leads and also Adult Social Care / Mental Health will also be considered.

8.2 Seizure of a firearm does not automatically result in revocation, but it ensures that any immediate risk is controlled.

9. Sudden Death of a Certificate Holder

9.1 When a firearms or shotgun certificate holder dies, there are a variety of options that can be considered:

- During office hours contact relevant FELU to discuss.
- Out of office hours follow the advice at 9.2 below.

9.2 Shotguns

If there is a partner, family member or friend who is also a current certificate (SGC) holder then the gun(s) can be transferred to that person. The one consideration would be that the recipient of the guns has sufficient storage capacity for the guns. The recipient MUST then notify their respective licensing authority about the acquisition of the gun(s) (NFLMS can confirm any information regarding certificate holders).

If the deceased's partner, family member or friend wish to retain the guns or facilitate the disposal of the guns to a Registered Firearms Dealer (RFD) the FELU could issue a temporary permit under [Section 7 of the Firearms Act 1968](#).

If the deceased's partner, family member or friend is distressed and there is concern as to their suitability to retain the guns, at this time, they may be seized to prevent danger to public safety.

An uncertified individual refusing to give over control of a firearm could be considered to be in unlawful possession and dealt with accordingly. In all cases advice from FELU should be obtained.

Firearms

Very similar to shotguns, however unless the partner, family member or friend has the appropriate authorities to acquire the calibre and type of guns that belonged to the deceased, the individual would not be able to take the guns.

For firearms it is more usual for the guns to be lodged with an RFD pending sale or disposal or surrendered to the police.

10. Police Powers

10.1 Police Powers in relation to the **Firearms Act 1968** can be accessed through the Police National Legal Database (PNLD) or follow the links below;

[Section 7 of the Firearms Act 1968: Police Permits](#)

[Section 16 of the Firearms Act 1968: Possession of firearm with intent to injure](#)

[Section 16A of the Firearms Act 1968: Possession of a firearm with intent to cause fear of violence](#)

[Section 17 of the Firearms Act 1968: Use of Firearms to Resist Arrest](#)

[Section 18 of the Firearms Act 1968: Carry a Firearm or Imitation Firearm with Criminal Intent](#)

[Section 19 of the Firearms Act 1968: Carrying a firearm in a public place](#)

[Section 20 of the Firearms Act 1968: Trespassing with a Firearm](#)

[Section 21 of the Firearms Act 1968: Possession of a Firearm by a Person Previously Convicted of a Crime](#)

[Section 21A of the Firearms Act 1968: Firing an air weapon beyond premises](#)

[Section 22 of the Firearms Act 1968: Acquisition and possession of firearms by minors](#)

[Section 46 of the Firearms Act 1968: Search with a Warrant](#)

[Section 47 of the Firearms Act 1968: Power to Stop and Search](#)

[Section 48 of the Firearms Act 1968: Production of Certificates](#)

Legislation under Police and Criminal Evidence Act 1984 (PACE)

[Section 17 of the PACE Act 1984: Power of Entry](#)

[Section 18 of the PACE Act 1984: Entry and Search after Arrest](#)

[Section 19 of the PACE Act 1984: General Power to Seize Property](#)

[Section 22 of the PACE Act 1984: Retention](#)

Human Rights Act

[Article 2: Right to life](#)

[Article 5: Right to liberty and security](#)

[Article 8: Right to respect for private and family life](#)

[Schedule 1: Protection of property](#)

There may be circumstances where, on police arrival at an incident, the situation has calmed but police need to determine if a firearms holder should remain in possession of their weapon(s) and certificate(s). Situations calming prior to police arrival is very common in police attended domestic incidents and should in no way affect the decision to remove weapons or firearms.

10.2 Careful reference to, and understanding of, relevant legislation will be required.

The majority of incidents will arise where weapons do not form any part or are not relevant to the incident but when information or incidents occur which causes concern over the individual, or other family members at an address where firearms are stored then it becomes necessary to remove firearms in order to minimise risk of further incidents or harm.

If this is a fast time incident requiring immediate action, it must be explained that under the statement of support provided by both Chief Constables, (in section 3.2 of the policy statement), their certificates and weapons will be seized.

Experience has shown that early intervention to take possession of weapons and certificates normally results in the individual voluntarily surrendering their weapons and certificates.

10.3 **Verbal Reasoning: Seizure**

The certificate holder may be invited by attending officers to **voluntarily surrender** their firearms, ammunition and certificate pending a review of their continued suitability to be issued with a firearm / shotgun certificate.

Every effort should be made to persuade the certificate holder to hand over their weapons and certificates.

It should be explained to the subject that it will be in their best interests to co-operate and surrender firearms voluntarily at this stage. In DA cases this would need to be done in a planned way with the Officer in Charge (OIC) or someone else involved in case as if the perpetrator was aware their firearms may be seized then this could increase the risk quickly.

10.4 **Breach of the Peace**

Breach of the Peace (BoP) is one of the oldest, and most basic offences still in existence in England and Wales. It is an offence at common law, not codified, so it cannot be found in any act of Parliament.

A BoP is committed whenever harm is done, or is likely to be done to a person, or, in their presence to their property, or, whenever a person is in fear of being harmed through an assault, affray, riot or other disturbance.

The power of arrest in relation to BoP is available to anyone (regardless of whether they are a constable or not), who may arrest without warrant:

- Any person who commits a breach of the peace in their presence, or
 - If they reasonably believe that a breach of the peace is about to occur or is imminent, any person in order to prevent that.
- In a stated case R v Howell 1981 the following is the current test which must be applied: 'A breach of the peace is committed whenever harm is done, or is likely to be done to a person, or, in their presence to their property, or, whenever a person is in fear of being harmed through an assault, affray, riot or other disturbance'.

Further Guidance from the FELU:

- If officers believe that a licence holder poses a risk of harm with their firearms or shotguns, to a person or the wider public, then common law powers support the removal of weapons to prevent such harm.
- If such belief does exist then steps should be taken, at the earliest opportunity, to seize such items it must be explained that under the statement of support provided by both Chief Constables, (in section 3.2 of the policy statement), their certificates and weapons will be seized. The purpose of seizure of the certificates is to prevent a further purchase of firearms.
- Under common law a constable has the power to enter premises to prevent or deal with a BoP.

10.5 If there is no BoP

If a BoP is not occurring at an incident, BoP power is no longer applicable / relevant and the certificate / firearms are not voluntarily handed to officers, then the NDM must be used to ascertain the level of risk. If the decision is that there is a risk to individual / public safety if the firearms / shotguns and certificates are left on the premises, then under the statement of support provided by both Chief Constables, (in section 3.2 of the policy statement), their firearms / shotguns and certificates will be seized.

If the risk is low and the matter is not urgent, police can apply to obtain a warrant under Section 46 Firearms Act 1968. Please refer to paragraph 5.8 above.

Advice is available from the FELU or Oscar 1 as to how to obtain such a warrant; the process is similar to any other warrant request to Magistrates.

Officers must make all relevant information available to the FELU management team for a decision to be made if the certificate(s) are to be revoked. The revocation of certificates can only be enacted by FELU managers with the relevant delegated authority.

11. FELU Armouries

11.1 redacted text.

11.2 All items stored with FELU are recorded on NICHE and managed according to the Evidential Property Policy (Surrey and Sussex) (1128)

11.3 Audits of the FELU Armouries, will take place Bi-Monthly, overseen by a Deputy Firearms Licensing Manager or Proactive Team Sergeant.

Team: Operations Command - Ops Support