

Firearms licencing process: support guide

November 2016

Background

From 1 April 2016 new information sharing processes between GPs and police were introduced in an attempt to ensure those licensed to possess firearm and shotgun certificates are medically fit. The GPC has significant concerns about this process and we continue to raise them with the Home Office in a bid to get a process that is fair to GPs and safe for patients and the wider public.

The following guidance takes into account the current discussions with the Home Office and the British Association for Shooting and Conservation (BASC), as well as external legal advice.

Issues around remuneration

The work involved responding to the Police's letter indicating whether there are any concerns and that a code on the patient's medical record has been added, does not come under essential services and GPC's view is it falls within clause 19.1.2 and therefore a fee can be demanded.

We are aware that the BASC has advised its members not to pay the fee, and in the light of this, our previous advice had been for GPs to return the letter to the police without delay explaining they were unable to undertake the work due to a lack of funding or for a conscientious objection to gun ownership.

This guidance now takes account of the regulatory obligations on the part of GPs and specifically the requirement to '[comply with all relevant legislation](#)'. This obliges GPs to cooperate with and agree to facilitate statutory processes in which they have a prescribed role or function. However, it is also clear that where a fee for the relevant services has not been provided within the terms of the GMS contract, it may be demanded and that the GP can withhold such services until such time as the fee has been paid.

It is also clear, as previously advised, that it is not acceptable for GPs to merely disregard the letter, not inform the police or to delay a reply – in doing so GPs could be placing themselves at professional risk.



Conscientious objection

The GPC previously advised that it might be open to GPs to refuse to engage in the firearms certification process on grounds of conscientious objection. The current advice is that any such refusal would have to be undertaken in line with the [GMC guidance](#) on its website. This requires GPs to notify their patients of their objection in advance and where a patient cannot readily obtain the relevant services from another doctor, the GP that objects has a professional duty to put in place alternative arrangements for the provision of the relevant services or procedures without delay.

Other considerations

Where there is a reasonable belief that an individual either applying for a firearm or shotgun licence or already holding one, may represent a danger to themselves or others, the BMA advises doctors strongly to encourage the applicant to reconsider or revoke their application.

If the applicant refuses, doctors should consider breaching normal confidentiality and informing the police firearms licensing department as a matter of urgency. If in any doubt the doctor should seek further ethical and legal advice from the BMA Ethics Department and the defence bodies.

Please note: this advice only relates to the initial letter asking GPs to add a marker to the patient record. Applicants are still being advised by BASC to pay their GP for any full medical report being requested by the Police as part of their application.

Summary

GPs must engage in the process of firearms licensing when requested to do so. Failure to do so could place themselves at professional risk.

In terms of their contractual obligations, GPs must cooperate with and facilitate statutory functions relating to the process.

The contract also sets out that a reasonable fee may be demanded for the services provided as part of that process.

The demand for a fee may form a condition, which if not fulfilled, means the GP can refuse to engage in the firearms certification process.

GPs may also refuse to engage in the process where they have a genuine conscientious objection, subject to the GMC guidance referenced above.