



Disclosure ref: 4 Sent: 1st February 2019

Freedom of Information Act 2000 Request

The number of convictions in regards to defendants who have been in possession of a firearm (imitation or otherwise) in a public place during the last five years; bought forward by the Crown Prosecution Service in Greater Manchester.

Request

I am writing to request some statistics under the Freedom of Information act.

I would like to find out the number of convictions for defendants who have been in possession of a firearm (imitation or otherwise) in a public place during the last five years.

I would like the statistics to cover the periods of 2013/14, 2014/15, 2015/16, 2016/17 and 2017/18.

These would come from cases bought forward by the Crown Prosecution Service in Greater Manchester.

Response

The Firearms Act 1968 creates provisions which include controls on the acquiring, possession, sale and conversion of firearms and offences in relation to the criminal use of firearms and air weapons.

Simple possession charges are provided by Sections 1, 2 and 5 of the Act:

- Section 1 – possession of a firearm/specially dangerous air weapon and certain ammunition without a certificate
- Section 2 – possession of a ‘shotgun’ without a certificate
- Section 5 – possession of a prohibited weapon

Please see attached a table of data showing the number of offences created by Sections 1, 2 and 5 of the Firearms Act referred to above, prosecuted by the Crown Prosecution Service (CPS), reaching a first hearing at the magistrates’ courts, during each of the last five financial years in the Greater Manchester police force area. This data should be read in conjunction with the caveats appended to the table.



To identify the number of prosecutions or convictions for these offences would require a manual review of the CPS case files. The 868 offences prosecuted during the five year period identified in the table equate to 419 CPS case files.

Section 12(1) of the FOI Act means public authorities are not obliged to comply with a request for information if it estimates the cost of complying would exceed the appropriate limit. [The appropriate limit for central government is set at £600.](#) This represents the estimated cost of one person spending 3.5 working days determining whether the department holds the information, and locating, retrieving and extracting the information.

We believe that the cost of manually reviewing the 419 case files referred to above would exceed the appropriate limit. Consequently, we are not obliged to comply with this part of your request.

There are a number of other Firearms Act offences that may be relevant to your request, depending on the information you are seeking, and these include those listed below. Please let me know if you require the data on any or all of these and I will take this forward as a new request.

- Section 16 – possession of a firearm or ammunition with intent to endanger life
- Section 16A – possession of a firearm or imitation with intent to cause fear or violence
- Section 17(2) – possessing a firearm or imitation to resist or prevent lawful arrest of himself or another
- Section 19 – possession of an air weapon or an imitation firearm in a public place
- Section 21 – possession of a firearm by persons previously convicted of crime
- Sections 22 – 25 possession by and supply to minors and drunk/insane persons; and
- Section 41(1) Violent Crime Reduction Act 2006 – possession of an imitation firearm but not an air weapon.

Under section 16 of the FOI Act we are obliged to offer guidance and assistance. Please note that the Ministry of Justice (MoJ) holds data which breaks down prosecutions and convictions data by specific offences/offence groups and also by Local Criminal Justice Area (which includes Greater Manchester). You may wish to contact the MoJ to see if they can provide the information you are seeking. For ease of reference, I provide below a link to their website:

<https://www.gov.uk/government/organisations/ministry-of-justice>

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