

Firearms and Hate Crime Bill

[AS INTRODUCED]

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[AS INTRODUCED]

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TO

Prohibit the keeping of pump action firearms in homes, with exemptions for professional pest controllers and farmers; to make provision about medical requirements for holders of firearms certificates; to make provision about the disclosure of mental health concerns relating to holders of firearms certificates; to extend offences of stirring up hatred to cover hatred on the basis of sex or gender; to make motivation by misogyny an aggravating factor in sentencing for violent crimes; and for connected purposes.

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Prohibition of keeping pump action firearms in homes

- (1) It is an offence to keep a pump action firearm in domestic premises.
- (2) The Secretary of State must by regulations—
 - (a) require owners of pump action firearms to store them in either—
 - (i) the premises of an approved shooting club, or 5
 - (ii) the premises of a registered firearms dealer, and
 - (b) provide for exceptions from this section for—
 - (i) professional pest controllers, and
 - (ii) farmers.
- (3) A person guilty of an offence under this section shall be liable to a fine not exceeding level 5 on the standard scale. 10

2 Medical requirements for holders of firearms certificates

- (1) The Firearms Act 1968 is amended as follows.
- (2) In section 26A, at the end insert—
 - “(4) The rules must require that, before granting an application for a firearms certificate, the chief of police considers a statement from a registered medical practitioner about the applicant's suitability to hold such a certificate.” 15

(3) In section 26B, at the end insert –

“(3) The rules must require that, before granting an application for a shot gun certificate, the chief of police considers a statement from a registered medical practitioner about the applicant’s suitability to hold such a certificate.”

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3 Disclosure of mental health concerns relating to holders of firearms certificates

(1) The Secretary of State must make regulations for the purpose of requiring medical practitioners to inform chiefs of police of mental health concerns relating to holders of firearms certificates.

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(2) Regulations made under this section must –

(a) require the chief of police of the relevant police force to inform the National Health Service when a firearms certificate is issued to a person,

(b) require the National Health Service to record that information and make it available to registered medical practitioners, and

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(c) require registered medical practitioners to inform the chief of police of the relevant police force if a holder of a firearms certificate has a relevant mental health condition.

(3) In this Act,

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“firearms certificate” means a certificate under section 1 (requirement of firearm certificate) or section 2 (requirement of certificate for possession of shot guns) of the Firearms Act 1968;

“a relevant mental health condition” means a condition which, in the opinion of the medical practitioner, should be considered by the chief of police in assessing the person’s suitability to hold a firearms certificate;

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“the relevant police force” is the force which issued the firearms certificate.

4 Stirring up hatred on the basis of sex or gender

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(1) Part 3A of the Public Order Act 1986 (c. 64) (hatred against persons on religious grounds or grounds of sexual orientation) is amended as follows.

(2) In the heading for Part 3A at the end insert “or basis of sex and gender”.

(3) In the italic cross-heading before section 29A at the end insert “*and “hatred on the basis of sex or gender”.*”

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(4) After section 29AB insert –

“29AC Meaning of hatred on the basis of sex or gender

(1) In this Part “hatred on the basis of sex or gender” means hatred against a group of persons defined by their sex or gender. ”

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- (5) In the italic cross-heading before section 29B at the end insert “*or hatred on the basis of sex or gender*”.
- (6) In section 29B(1) at the end insert “or hatred on the basis of sex or gender”.
- (7) In section 29C(1) at the end insert “or hatred on the basis of sex or gender”.
- (8) In section 29D(1) (public performance of play) at the end insert “or hatred on the basis of sex or gender”. 5
- (9) In section 29E(1) (distributing, showing or playing a recording) at the end insert “or hatred on the basis of sex or gender”.
- (10) In section 29F(1) (broadcasting or including programme in programme service) at the end insert “or hatred on the basis of sex or gender”. 10
- (11) In section 29G(1) (possession of inflammatory material) at the end insert “or hatred on the basis of sex or gender”.
- 5 Misogyny as aggravating factor in violent crimes**
- (1) A court considering the seriousness of an offence arising from a violent crime must treat the fact that the offence is aggravated by hostility or prejudice towards women as an aggravating factor when determining a sentence. 15
- (2) For the purposes of this Act, a violent crime is one in which the offender uses —
- (a) physical force,
 - (b) an offensive weapon, or 20
 - (c) a corrosive substance
- to harm, or attempt to harm, the victim.
- 6 Regulations**
- (1) Regulations under this Act are to be made by statutory instrument.
- (2) A statutory instrument containing regulations under this Act may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament. 25
- 7 Extent, commencement and short title**
- (1) Sections 1, 2 and 3 extend to England and Wales and Scotland.
- (2) Sections 4 and 5 extend to England and Wales only. 30
- (3) This Act comes into force at the end of the period of 90 days beginning on the day on which this Act is passed.
- (4) This Act may be cited as the Firearms and Hate Crime Act 2023.

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