



Home Office

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Simon Tobias
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Dear Mr Tobias,

Freedom of Information request (reference number: 48277)

Thank you for your e-mail of 23 April in which you requested information in relation to the announcement of the Offensive Weapons Bill by the Government on 8 April. The points you raise in your request specifically relate to the proposals on firearms. Your request, which is set out at Annex A to this letter, has been handled as a request for information under the Freedom of Information Act 2000 (FOIA).

In respect of your request for information relating to '*how many crimes have been committed with .50 calibre rifles and "certain fast firing rifles"*', I can confirm that the Home Office does not hold this information. I should explain that it is not always possible for the police to categorise the type of weapon used in an offence because they are not always fired or recovered. Similarly, information about the perpetrator may not be available in all cases.

In respect of your request for information on '*how many criminals have been caught in possession of a .50 calibre or MARS action rifle*', I can confirm that the Home Office does not hold this information.

In respect of the information that you have requested in your e-mail at questions 1 and 4 to 9 inclusive, I can confirm that the Home Office does hold this information. However, after careful consideration we have decided that the information is exempt from disclosure under section 35(1)(a) of the FOIA. This exemption provides that information can be withheld where the information relates to the formulation or development of government policy and the balance of the public interest falls in favour of maintaining the exemption.

As section 35(1)(a) is a qualified exemption, this requires a consideration of the balance of the public interest in disclosing or withholding the information. We have considered the factors carefully on each side and we have concluded that, in this case, the public interest in maintaining the exemption outweighs that in disclosing the information. The public interest arguments are set out at Annex B.

If you are dissatisfied with this response, you may request an independent internal review of our handling of your request by submitting a complaint within two months to foirequests@homeoffice.gsi.gov.uk, quoting reference **48277**. If you ask for an internal review, it would be helpful if you could say why you are dissatisfied with the response.

As part of any internal review the Department's handling of your information request would be reassessed by staff who were not involved in providing you with this response. If you were to remain dissatisfied after this internal review, you would have a right of complaint to the Information Commissioner as established by section 50 of the Freedom of Information Act.

Yours sincerely,

Tackling Crime Unit

Annex A

Request

Dear Home Office,

Please can the Home Office provide the information requested below which relates to the post published on Facebook -“

Today we've announced plans to introduce new laws to make it harder than ever before to purchase and possess offensive weapons like guns, knives and acid:

<https://www.gov.uk/government/news/home-office-announces-plans-for-offensive-weapons-bill-to-tackle-serious-violence>”

- 1) please define the firearms and calibres identified in your statement "rapid firing rifles"
- 2) Please tell me how many crimes have been committed with .50 calibre rifles and "certain fast firing rifles"
- 3) please tell Me how many criminals you've caught in possession of a 50 cal or MARS action rifle?
- 4) please tell Me how many rifles you are planning to ban by type
- 5) please Tell Me how you plan to compensate lawful owners for The confiscation of their legally owned rifles
- 6) please tell me if you will be compensating owners for equipment they will no longer require as the rifle it relates to will have been confiscated.
- 7) please tell me how Much you estimate the total compensation cost will be by rifle Type
- 8 please tell me how many crimes your impact assessment anticipates this pre-emptive ban will stop.
- 9). Please tell me how many comments you received during the consultation that were against a ban on .50 calibre and rapid firing rifles.

Many thanks

Yours faithfully,
Simon

Annex B: Public interest test in relation to section 35(1)(a)

Some of the exemptions in the Freedom of Information Act (FOIA), referred to as 'qualified exemptions', are subject to a public interest test (PIT). This test is used to balance the public interest in disclosure against the public interest in maintaining the exemption. We must carry out a PIT where we are considering using any of the qualified exemptions in response to a request for information.

The 'public interest' is not the same as what interests the public. In carrying out a PIT we consider the greater good or benefit to the community as a whole if the information is released or not. Transparency and the 'right to know' must be balanced against the need to enable effective government and to serve the best interests of the public.

The FOI Act is 'applicant blind'. This means that we cannot, and do not, ask about the motives of anyone who asks for information. In providing a response to one person, we are expressing a willingness to provide the same response to anyone.

Considerations in favour of disclosing the information

There is a general consideration in favour of openness and transparency in Government to increase public trust and confidence. The responses to the Government's consultation on offensive weapons and potential legislative proposals, and development of the proposals which have been announced as part of the Offensive Weapons Bill, are clearly matters of public interest. Disclosure of the requested information would increase public awareness and provide insight into the proposals and how they are being developed, alongside the consideration of consultation responses and engagement with relevant stakeholders.

Considerations in favour of withholding the information

Although the Government has announced its intention to publish an Offensive Weapons Bill, the policy position is still under active development. Disclosure of the consultation responses, which number over 10,500, along with the supporting documentation in the formulation of the proposals, would compromise the 'safe space' which Ministers and officials need in order to formulate and develop policy without risk of premature disclosure under the FOIA. This would not be in the public interest. The consultation responses, along with ongoing engagement by officials with key stakeholders on the related proposals are being taken into account in the advice and development of each of the proposals under the Offensive Weapons Bill.

Alongside introduction of the Bill, we are required to publish supporting documentation. This will include the Impact Assessment, along with the policy decisions taken and Explanatory Notes on how the Bill will be applied in practice, and details of any potential compensation process for those weapons that will no longer be able to be legally owned. This would need to be approved by Parliament before it can be officially launched. A summary of the consultation responses will also be published shortly.

Conclusion

We conclude that the balance of the public interest lies in maintaining the exemption and withholding the information, until a fully formed policy and Bill has been developed and published before Parliament. This will maintain Parliamentary protocol of ensuring that new legislative processes are given the due process of being discussed and debated in both Houses.