

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 11 September 2024

Public Authority: Home Office
Address: 2 Marsham Street
London
SW1P 4DF

Decision (including any steps ordered)

1. The complainant requested information about a firearms prohibition in the Offensive Weapons Act 2019. Although the Home Office responded to some parts of the request, it failed to issue a substantive response to two parts, despite the complainant asking that it do so.
2. The Commissioner's decision is that the Home Office breached sections 1(1) (General right of access) and 10(1) (Time for compliance) by failing to respond to those two parts of the request.
3. The Commissioner requires the Home Office to take the following steps to ensure compliance with the legislation.
 - Subject to any exemptions, it must confirm or deny whether it holds information falling within scope of the requests reproduced in paragraph 5 of this decision notice. If held, any information must either be disclosed, or a valid non-disclosure exemption cited, with an appropriate supporting explanation for its application provided.
4. The Home Office must take these steps within 30 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

5. On 19 May 2024, the complainant made a multi-part request for information under FOIA. This decision notice is concerned with the Home Office's response to the following two requests:

"I would like to explore the claim that 'no evidence was produced on how or why [the prohibition] would adversely affect disabled shooters' by making a further FOI request to receive a copy of all correspondences with the NRA [National Rifle Association] (e.g. emails, meeting minutes, attendance notes, etc) that raised the differential impact of the proposed MARS [Manually Actuated Release System] / LR [lever release] prohibition."

And

"...please can I ask for:

...

- (ii) any other internal Home Office document addressing A1P1 compliance, and especially the proportionality dimension, in greater detail than the Memorandum; and / or
 - (iii) if no considered proportionality assessment was undertaken, please can you confirm this to be the case?"
6. (The request is reproduced in full in the annex at the end of this decision notice.)
7. The Home Office responded on 13 June 2024. Its response contained no reference to the first request. As regards the second request, it said:

"...the reasons why the government considered the prohibition of the MARS rifle to be compliant with Article 1 of Protocol 1 to the European Convention on Human Rights were set out in the published ECHR memorandum, the link for which has already been made available to you in accordance with section 21(1) of the Freedom of Information Act."

8. On 16 June 2024, the complainant requested an internal review of:
- the Home Office's failure to respond to the first part of the request (for a copy of all correspondence with the NRA that raised the differential impact of the proposed MARS / LR prohibition); and
 - the Home Office's failure to respond to parts (ii) and (iii) of the second request, as "...neither the public-facing ECHR Memorandum nor your response of 13/06/24 address the proportionality aspect

of the MARS / LR policy. Proportionality is crucial to assessing the legal compliance of a property ban with A1P1, and so cannot be omitted from any proper analysis of legal compliance.

Accordingly, please can you provide any internal Home Office document that addresses the A1P1 compliance of the MARS / LR policy (in particular, the proportionality assessment) in line with my request in Q2(ii); **or** if no considered proportionality assessment was undertaken, please can you confirm this to be the case, in line with my request in Q2(iii)?

Please do address this point seriously, rather than referring me back to a public-facing document that totally omitted any proportionality assessment of the MARS / LR policy.”

9. The Home Office acknowledged receipt on 17 June 2024, saying it would endeavour to respond fully by 15 July 2024.
10. As of the date of this decision notice, the Home Office has not provided the outcome of the internal review, or its response to the first request and parts (ii) and (iii) of the second request.

Scope of the case

11. The complainant contacted the Commissioner on 14 August 2024 to complain about the way his request for information had been handled. He provided further supporting information on 5 September 2024 and confirmed that he remained dissatisfied with the Home Office’s failure to address the first request and parts (ii) and (iii) of the second request.
12. The analysis below considers the Home Office’s compliance with sections 1(1) and 10(1) of FOIA in respect of the first request and parts (ii) and (iii) of the second request.

Reasons for decision

13. Section 1(1) of FOIA states that:

“Any person making a request for information to a public authority is entitled –

- (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him.”

14. Section 10(1) of FOIA states that a public authority must comply with section 1(1) promptly and “not later than the twentieth working day following the date of receipt”.
15. In its response to the request, the Home Office failed to address the first request and parts (ii) and (iii) of the second request.
16. On 16 June 2024, in his internal review request, the complainant pointed out to the Home Office that it had neglected to provide a response in respect of those requests and he asked that it do so. On 6 September 2024, the Commissioner wrote to the Home Office, saying that he had accepted the complaint for investigation and that the Home Office should let him have a copy of any internal review it sent to the complainant.
17. As of the date of this decision notice, the Home Office has not provided a response to the first request and parts (ii) and (iii) of the second request. The Commissioner has not been provided with a copy of any internal review showing that it has addressed those requests.
18. The Commissioner therefore finds that the Home Office’s handling of the first request, and parts (ii) and (iii) of the second request, did not comply with sections 1(1) and 10(1) of FOIA.
19. The Commissioner requires the Home Office to take the steps specified in paragraph 3.

Other matters

Section 45 - Internal review

20. The Commissioner cannot consider a public authority’s handling of an internal review in a decision notice because such matters are not a formal requirement of FOIA. Rather, they are matters of good practice which are addressed in the code of practice issued under section 45 of FOIA.
21. Where an authority chooses to offer one, the code of practice states that internal reviews should be conducted promptly and within reasonable timescales. The Commissioner has interpreted this to mean that internal reviews should take no longer than 20 working days in most cases, or 40 in exceptional circumstances.

22. In this case, it is clear that the Home Office has not complied with these timescales. The Commissioner would remind the Home Office of the importance of responding promptly and adhering to recommended timescales.

Right of appeal

23. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

24. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
25. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Samantha Bracegirdle
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Annex – full text of request of 19 May 2024

“Many thanks for your email of 15 April 2024 replying to my FOI request, and for the weblinks and further responses contained therein.

As a preliminary point, your weblinks take me to publicly available documents; however, I was asking for the internal Home Office documents that form the basis of those public-facing documents.

That said, I have read the weblinked documents (for questions 1 and 2) and your further responses to questions 3 and 4, and would like to respond and make some follow-on FOI requests (highlighted below in yellow). I have likewise organised my responses in the same order as my original questions and your replies.

Q1. The Home Office’s Public Sector Equality Duty (PSED) analysis in relation to the MARS/Lever Release prohibition in section 54, OWA (and all information used to undertake the PSED analysis – either the documents themselves or, if publicly available, the weblinks).

Thank you for providing the weblink to the Home Office’s Policy Equality Statement. My request was for the Public Sector Equality Duty (**‘PSED’**) analysis, which is the Firearms Policy Unit’s internal PSED analysis of the compliance of the MARS / Lever Release (**‘LR’**) policy with section 149 of the Equality Act 2010. I expect this would have been legally cleared by Home Office Legal Advisers’ (**‘HOLA’**) and / or HOLA would have provided separate PSED legal advice. As internal documents, these will provide more transparency than a public-facing document on the full extent of PSED analysis that the Home Office undertook and the previously known risks of non-compliance in relation to the MARS / LR policy. That said, I appreciate that HOLA’s advice is legally privileged and can only be publicly available if and when privilege is waived.

In the absence of the Firearms Policy Unit’s, HOLA’s, or any other internal PSED analysis, I will in the meantime comment on the public-facing Policy Equality Statement that you have weblinked. The relevant part is on page 5 of that document in the section entitled “Prohibition of certain firearms”, where the Home Office states that:

Following the public consultation, concern was raised on the potential impact that banning rapid firing rifles such as the VZ58 Manually Actuated Release System (MARS) rifle could have on disabled shooters. Respondents outlined that some disabled shooters rely of this weapon to participate in the activity of shooting and that the banning of this particular firearm could have some impact on their ability to do so. However, no evidence was produced on how or why they would

adversely effect disabled shooters, for example, that these are the only types of weapons they can use, nor what forms of disability would rely on this weapon. Therefore we do not anticipate any differential impact from this proposal.

However, this raises serious doubts for two distinct reasons. First, the National Rifle Association ('**NRA**') issued a call for evidence with its members, specifically to document how MARS / LR rifles were being used to overcome physical disabilities in shooting sports. I understand that some disabled shooters contacted the NRA to explain their dependence on MARS / LR firearms due to physical difficulties, and I presume that evidence was brought to the attention of the Home Office. Accordingly, I would like to explore the claim that "no evidence was produced on how or why [the prohibition] would adversely affect disabled shooters" by making a further FOI request to receive a copy of all correspondences with the NRA (e.g. emails, meeting minutes, attendance notes, etc) that raised the differential impact of the proposed MARS / LR prohibition.

The second reason why the Policy Equality Statement analysis is unsatisfactory is that it indicates a passive approach to evidence, whereas the PSED under section 149 of the Equality Act 2010 ('**EA**') imposes an obligation on the Home Office to take a proactive approach to equality (on which, see below). For example, the Policy Equality Statement states that no evidence was produced on "what forms of disability would rely on this [MARS / LR] weapon." Yet my understanding is that it was well-known that arthritis sufferers relied on both MARS and LR mechanisms to take part in recreational shooting. To illustrate, please watch this video clip from where it begins at 58:41, for approximately three minutes until 1:01:43:

While this clip was made after the MARS / LR prohibition was enacted, I note that several references to similar effects on disabled shooters were also noted by MPs during the Second Reading in the House of Commons. For example, Tim Loughton noted:

My constituent [name redacted] runs the local disability forum. He shoots from a wheelchair using one of these [MARS / LR] guns. He started target shooting as an Air Training Corps cadet back in 1959. Prohibition would end his participation in the sport, because his disability means that it is not easy for him to use the alternatives.

I find it difficult to comprehend why a public authority wielding the power to initiate a private property ban (such as the MARS / LR policy) would not be able to uncover the same insight from its own enquiries. As noted above, section 149(1) and (3) of the EA, as applied to this policy, imposes a positive obligation on the Home Office to have due regard to the need to advance equality of opportunity between disabled and able-bodied shooters; namely,

to encourage disabled shooters to participate in public life and in activities like target shooting where arthritis sufferers are under-represented. It appears to me that this obligation was not discharged.

Accordingly, the Home Office's conclusion that "we do not anticipate any differential impact [between disabled and able-bodied shooters] from this proposal" was objectively unwarranted, given (i) the requirements of the public sector equality duty under section 149 of the EA, (ii) the likely representations made by the NRA on the differential impact of the MARS / LR ban on disabled shooters, and (iii) numerous statements made by MPs during the Bill's passage through Parliament that similarly brought the equality issue to the attention of the Government and the Home Office.

In light of the above, please can I ask:

- (i) whether you are willing to waive legal privilege and provide me with a copy of HOLA's full PSED legal analysis (including any updates to the advice to take account of new information that was brought to the Home Office's attention regarding disabled shooters);
- (ii) whether you can provide any other internal PSED analysis that gives more detail than the public-facing Policy Equality Statement;
- (iii) whether the Policy Equality Statement is to be reviewed in the near-future; and, if so
- (iv) how the Home Office will ensure that the impact of the MARS / LR prohibition on disabled shooters is properly addressed in compliance with section 149(1) and (3) of the Equality Act;?

Q2. The Home Office's full analysis of this policy's compliance with Article 1 of Protocol 1 to the European Convention on Human Rights.

Thank you for providing the weblink to the Home Office's Memorandum on issues arising under the European Convention on Human Rights ('ECHR'). However, I was asking for the Home Office's full analysis of the MARS / LR policy's legal compliance with Article 1 of Protocol 1 ('A1P1') to the ECHR. I expect this is likely to be found in HOLA's full legal advice to the Firearms Policy Unit and the internal documents that followed it. By contrast, the Memorandum is a public-facing document and, much like the Policy Equality Statement, it does not provide full details of the risks of non-compliance with A1P1 that the Home Office is / was aware of.

As above, I will comment on the public-facing Memorandum before making a further set of FOI request.

As a preliminary point, I note that the relevant provision in A1P1 to the ECHR is:

1. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
2. The preceding provisions shall not, however, in any way impair the right of the State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure payment of taxes or other contributions or penalties.

The relevant part of the Home Office's Memorandum that applies this provision is on pages 14-16 and, in particular, paragraph 59, which states that:

Any deprivation of use of property must comply with the conditions imposed by A1P1. It must be in the "public interest", subject to conditions provided by law and the general principles of international law and be proportionate. The Government is content that these measures [prohibiting MARS / LR firearms] are in the public interest as they are intended to promote public safety and to combat crime. As these measures are being introduced by primary legislation, and will be implemented compatibly with that legislation, the Government is content that they will be subject to conditions provided by law.

This statement is not satisfactory legal analysis but is a series of unsupported assertions (which is not unusual in public-facing documents). The only assertion that is correct and appropriate is the last sentence regarding implementation via primary legislation; the assertions preceding that are unsatisfactory for two reasons.

First, a measure that restricts private property rights with a general prohibition cannot satisfy the first paragraph of A1P1 merely on the basis of what the Government intends and without any data or evidence to demonstrate the actual public interest in imposing the property ban. The situation may be different in the case of less restrictive licensing and monitoring conditions (or temporary bans pending evidence gathering) that control the use of property without a permanent and irreversible prohibition, in accordance with the second paragraph of A1P1. However, in the case of a permanent and general prohibition (as with the MARS / LR policy), mere Government intention is not necessarily equal to the public interest. This is particularly true when that intention is based on theoretical threats that are not backed by data or evidence pointing to criminal groups showing any realistic or tangible interest in the target of the Government's property ban.

Secondly, paragraph 59 acknowledges that there is a proportionality requirement, and that this is a cumulative (not alternative) condition for

depriving persons of their possessions. However, compliance with such a requirement is only asserted and not analysed or explained any further. For example, there is no consideration of how a less restrictive set of measures and mitigations may have achieved the stated public interest goal without the need for a blanket ban that also penalises lawful holders of MARS / LR firearms. No analysis is provided of the likely effectiveness of additional licensing conditions, such as those relating to (i) more secure storage of MARS / LR firearms, (ii) greater scrutiny of the gun owner's medical report, (iii) more frequent contact with the gun owner's GP, (iv) restriction of MARS / LR firearms to those who meet a relatively higher threshold of need for it (such as disabled shooters or those participating in specific disciplines like Civilian Service Rifle or Practical Rifle), etc.

I also note that the weblink you provided to the Second Reading in the House of Commons cites numerous references by MPs to (i) the proportionality requirement and the Government's failure to assess the compliance of its MARS / LR policy with that requirement, and (ii) the lack of evidence base for the stated risks associated with MARS / LR firearms (see MPs' quotes reproduced below, under question 4). These all point to a high risk of non-compliance of the MARS / LR policy with A1P1 to the ECHR.

In light of the above, please can I ask for:

- (i) HOLA's full A1P1 legal advice, which was provided to the Firearms Policy Unit; and
- (ii) any other internal Home Office document addressing A1P1 compliance, and especially the proportionality dimension, in greater detail than the Memorandum; and / or
- (iii) if no considered proportionality assessment was undertaken, please can you confirm this to be the case?

In relation to my request for HOLA's A1P1 legal advice, I again acknowledge that this is legally privileged, but I encourage you to make it available for greater transparency given the seriousness of a general prohibition for private property rights.

Q3. All communications, correspondence and analysis sent between the Home Office and the Treasury in accordance with Annex 2.1 of Managing Public Money – only insofar as these relate to the compensation scheme detailed in sections 58-60, OWA.

Thank you for your reply and reasons for why the Home Office did not consult with HM Treasury on the details of the compensation scheme.

I would like to raise two points on this, specifically in relation to the reasoning that no consultation with HM Treasury was required because the Bill was not considered to be contentious.

First, according to the first bullet point in paragraph A2.1.1 of Managing Public Money, Treasury consultation is required “before any proposals for legislation with financial implications are submitted to ministers collectively for policy approval”. The bullet-pointed list in paragraph A2.1.1 does not appear to be cumulative (there is no ‘and’ in the penultimate bullet point), and so I assume the points apply in the alternative. If so, the first bullet-pointed condition should be sufficient to trigger the need to consult with the Treasury. Moreover, the introduction to Annex 2.1 states broadly that Departments should clear proposed legislation with the Treasury “where there are financial implications, either for expenditure or raising revenue.” There is no distinction between contentious or non-contentious schemes, or between monies from existing Departmental budgets or monies provided out of other funds. Accordingly, I see the MARS / LR compensation scheme as being within the scope of Treasury consultation and the requirement to obtain Treasury approval.

Secondly, I agree that the use of a compensation scheme would not be contentious if the relevant prohibition was universally endorsed, including by holders of MARS / LR firearms. However, this was not the case as the prohibition was clearly opposed by lawful owners of MARS / LR firearms and by the NRA. The controversial nature of the prohibition was also acknowledged by the Home Office at paragraph 186 of its updated Impact Assessment. Accordingly, I cannot see how the use of public monies (i) to compensate for a speculative policy with no data, evidence or past criminality to substantiate its stated risks, and (ii) with clear opposition against that policy from the groups affected, was not considered to be contentious. At the very least, I would expect the Firearms Policy Unit to document the alternative uses of the compensation monies to achieve the policy’s stated goals (on which, see my reply to question 4 below), and then to submit the compensation scheme for an informed Treasury approval.

My understanding is that Treasury oversight of the financial implications of a Bill is to ensure that public funds are not misdirected towards ‘easy options’, ‘easy policy wins’ or ‘illusory quick fixes’ (for want of a better term). Instead, public monies should be targeted at effective solutions to real problems that have a solid evidence base. Poor choices that merely offer ‘good optics’ should not be unjustifiably preferred over more cost-effective and / or outcome-effective policies. The existence of controversy over the prohibition itself should at least have raised the question of alternative uses for the compensation monies to achieve the policy’s stated goals, and I would have expected the Treasury to have been consulted on that basis.

Accordingly, can I please ask:

- (i) if the Home Office agrees with the above position on consulting the Treasury where its use of public funds through legislation is concerned; and, if so
- (ii) whether it is willing to review the decision not to consult the Treasury, at least for the benefit of future policies that may involve using public monies as compensation for restricting private property rights?

Q4. All information and (economic and criminological) analysis undertaken for this policy, specifically those comparing the projected effect on firearm crimes from implementing the section 54 prohibition versus the projected effect of spending the compensation monies on alternative methods of combatting firearm crimes.

Thank you for your reply and weblink to the Second Reading of the Offensive Weapons Bill in the House of Commons.

I note from the Second Reading that some MPs appeared to have similar expectations as myself regarding the need to demonstrate the impact of the MARS / LR prohibition. For example, Tim Loughton pointed out that:

It is...reasonable to ask the Government what reductions in firearms crimes are expected as a result of the prohibitions in the Bill. It is difficult to see what problem we are trying to solve.

This is undoubtedly correct: public monies are in limited supply, they have alternative uses, and not all uses are equally effective for achieving the stated policy goal. The aim should always be to define a tangible problem that is backed by evidence, then to choose the policy that secures the best outcome for the public. The aim should never be to doggedly pursue a given policy regardless of its overall impact on the public and on the policy goal, and regardless of the consequences for resourcing in other areas that also address the same problem.

Concretely, I would have expected the Home Office to be able to demonstrate that (i) there was an actual interest by criminal or terrorist groups in obtaining MARS / LR firearms held by licensed owners, (ii) less restrictive measures were not sufficient to mitigate that known risk, (iii) the ban would demonstrably remove or mitigate that known risk, and (iv) the compensation and other monies used to lawfully secure the ban did not have a better alternative use for achieving the same policy ends. To illustrate, this means that a ban on MARS / LR firearms would be the best option if the Home Office could demonstrate that (a) the ban was more disruptive to criminal / terrorist groups than imposing stronger mitigations on lawful MARS / LR gun owners **and** (b) the ban was more disruptive to criminal / terrorist groups than spending the compensation monies on law enforcement efforts that directly and proactively disrupt their activities. To ignore these

important comparisons raises serious doubts as to whether the ultimate goal of the MARS / LR policy was to promote public safety as opposed to enacting yet another firearm ban for the sake of adding to the list of firearm bans and securing a symbolic policy win.

Accordingly, I was hoping to see some tangible data and evidence that would justify the ban on private property imposed by the Home Office's MARS / LR policy, rather than vague references to 'threat assessments' or supposed misuses if the firearms were to fall into the wrong hands. I am surprised that any Government Department would justify a private property ban on the basis of theoretical scenarios and to state categorically that such a ban (that inevitably penalises law-abiding citizens) should not be about the strength of evidence or the imminence or realism of any threat, but rather a perceived sense of taking 'preventative action'.

If the MARS / LR policy was limited to a tightening of storage conditions or similar mitigation measures that did not totally deprive lawful owners of the use and enjoyment of their property, the burden on the Home Office to produce evidence would be correspondingly lower. However, the policy was premised on a comprehensive ban on a particular type of private property with no statutory exceptions, even for the disabled. This points to a very high burden on the Home Office to adduce evidence demonstrating the necessity of such an extreme measure, a burden that I do not believe was discharged.

I note that you cite the Home Secretary in explaining his concerns about the potential harm if MARS / LR firearms were to fall into the wrong hands; however, there were, during the same Second Reading, more convincing arguments made in the opposite direction. For example, Sir Geoffrey Clifton-Brown stated that:

The proposals in the Bill are disproportionate. They are unworkable, because they are very easy to get around. They target some of the most law-abiding people in the country and they will not make this country any safer, because the criminal will use a different weapon of choice.

Not only is it demonstrably correct that criminals and terrorists tend to focus on 'weapons of choice' available through criminal supply chains, but as I have noted above, millions of pounds used to compensate lawful MARS / LR gun owners were subsequently not available for additional funding to law enforcement to tackle those criminals and their firearms supply chains. It is therefore not unreasonable to question whether the MARS / LR policy may have made the country less safe, as resources were tied up in banning law-abiding citizens from owning certain firearms and therefore not available for tackling areas of proven gun crime.

In the Second Reading, Julia Lopez lent support to a law enforcement professional and other of her constituents who could not see the objective overall benefit of a ban, but instead saw the ban as a disproportionate and futile measure:

One resident, a retired police officer and someone who represented our country in shooting, is concerned that the prohibition of certain firearms is a tokenistic response disproportionate to the risk. Other constituents advise that no legally owned rifle of the types this Bill prohibits has ever been used in criminal activity despite being used by target shooters for many decades. They are unconvinced by the Home Office's evidential base for this move and feel therefore that this proposed legislation amounts to an abuse of process.

Vicky Ford echoed similar concerns, including concerns from a law enforcement professional, when she stated that:

...the Bill makes changes to what firearms are available to law-abiding citizens. Measures have possibly been strengthened without thinking through all the consequences. If I may...I would like to read just one email I received from a constituent:

"I completely agree with the other sections of the Bill, but believe that these restrictions on the shooting community unfairly target law-abiding members of our society. I am a keen target shooter and police officer, and I don't see how these restrictions will cut down on the amount of gun crime on our streets. I have yet to see any of this type of firearm that is due to be restricted used in any criminal activity."

In my view, these obvious concerns around lack of policy effectiveness and disproportionality were not addressed by the Home Office, which raises serious questions about the rationality and reasonableness of pursuing a private property ban; even more so when considering the large sums of public monies involved, which could have been more directly allocated to disrupting criminal / terrorist activity and their associated firearms supply chains.

Finally, Jim Shannon pointed out the obvious futility of targeting inanimate objects rather than the individuals who perpetrate criminal activity with those objects when he posed the question:

Does [the previous speaker] agree that those who transgress and break the law are not those who have a licence to hold arms legally? The Government need to focus attention on the law breakers, not those who uphold [sic] the law.

This is obviously correct. By way of analogy, there are some extremely powerful cars available for general purchase by anyone with a driving licence: these include cars equipped with V12 engines. Such powerful engines are not needed by any road user, and they are susceptible to misuse by reckless drivers, potentially causing motorway pileups and disproportionate road deaths specifically because of the power of the V12 engine. Yet, when reckless driving incidents have occurred in the past, neither the police nor the Department for Transport have, to my knowledge, seriously floated the idea of prohibiting the V12 engine. Instead, the focus has always been on pursuing reckless drivers and enacting risk mitigation measures while respecting the property rights of law-abiding drivers.

I understand that the MARS / LR prohibition is valid law and its effects on public finances and property destruction are now practically irreversible (all such guns having been surrendered and destroyed). The Offensive Weapons Bill passed all the relevant stages in the Commons and the Lords, obtained the necessary votes, and received Royal Assent. Therefore, the MARS / LR policy is formalistically valid. However, given the above concerns laid out by myself and by various MPs, I seriously doubt that during its policy formation the Home Office reached the required standards of rationality and reasonableness that is obligatory of all public authorities. Moreover, as noted above in relation to questions 1 and 2, I also doubt that full compliance with section 149 of the EA and A1P1 to the ECHR was attained. Together, these point to a high probability that the policy was judicially reviewable at the time of its formation and execution.

In view of the above, I would like to make the following FOI request in relation to current Home Office policy planning:

- (i) Is the Home Office currently planning to initiate any other firearm or shotgun prohibitions?
- (ii) Is the Home Office currently planning to initiate any lesser restrictions in relation to firearm or shotgun use and ownership?
- (iii) Are there any particular types of firearms or shotguns that are currently being reviewed by the Home Office (or by one of its suppliers, agencies or other public bodies) with a view to deciding at a later date whether to initiate a ban or other restriction?

Many thanks for your first response to my FOI request, and thanks in advance for any information you can provide in response to this current letter and FOI request."