

2020 No. 1371

EXITING THE EUROPEAN UNION

ARMS AND AMMUNITION

**The Law Enforcement and Security (Amendment) (EU Exit)
Regulations 2020**

Made - - - - *25th November 2020*

Coming into force in accordance with regulation 1

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 8C(1) of the European Union (Withdrawal) Act 2018(a).

A draft of these Regulations has been laid before Parliament and approved by a resolution of each House, in accordance with paragraph 8F(1) of Schedule 7 to that Act(b).

PART 1

Introductory

Citation and commencement

1. These Regulations may be cited as the Law Enforcement and Security (Amendment) (EU Exit) Regulations 2020 and come into force immediately before IP completion day(c).

(a) 2018 c. 16. Section 8C was inserted by section 21 of the European Union (Withdrawal Agreement) Act 2020 (c. 1).
(b) Paragraph 8F was inserted by paragraph 51 of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020.
(c) "IP completion day" is defined in section 39 of the European Union (Withdrawal Agreement) Act 2020.

PART 2

Explosives precursors

Amendment of the Control of Explosives Precursors etc. Regulations (Northern Ireland) 2014

2. In regulation 11(3) of the Control of Explosives Precursors etc. Regulations (Northern Ireland) 2014^(a) (meaning of references to “recognised non-NI licenses”) omit sub-paragraph (a).

Amendment of Part 13 of the Law Enforcement and Security (Amendment) (EU Exit) Regulations 2019

3.—(1) The Law Enforcement and Security (Amendment) (EU Exit) Regulations 2019^(b) are amended as follows.

(2) In regulation 49 (amendment of the Control of Explosives Precursors etc. Regulations (Northern Ireland) 2014)—

- (a) in paragraph (2), omit sub-paragraph (c);
- (b) omit paragraph (7).

(3) In regulation 51 (amendment of Regulation (EU) No 98/2013)^(c)—

- (a) in paragraph (3), in the text substituted for paragraph 1 omit—
 - (i) “in England and Wales and Scotland”;
 - (ii) new paragraph 1(b);
 - (iii) “in relation to England and Wales and Scotland”;
- (b) omit paragraph (12);
- (c) in paragraph (13), for “13” substitute “12”.

PART 3

Firearms

Amendment of Part 15 of the Law Enforcement and Security (Amendment) (EU Exit) Regulations 2019

4.—(1) The Law Enforcement and Security (Amendment) (EU Exit) Regulations 2019 are amended as follows.

(2) In regulation 58 (amendment of Commission Implementing Regulation (EU) No 2015/2403)^(d)—

- (a) in paragraph (3)(f)—
 - (i) in the definition of “the appropriate authority”, omit “, in relation to England and Wales and Scotland,” and the words after “Secretary of State”;
 - (ii) in the definition of “the relevant legislation”, omit “, in relation to England and Wales and Scotland,” and the words after “1988”;

^(a) S.R. 2014 No. 224, amended by S.I. 2019/742 (amendments not in force; due to come into force on IP completion day); there are other amending instruments but none is relevant.

^(b) S.I. 2019/742.

^(c) EUR 2013/98.

^(d) EUDN 2015/2403.

(b) In paragraph (5)(d), omit “, in relation to England and Wales and Scotland,” and the words after “1988”.

(3) Omit regulations 64 (amendment to the Firearms (Northern Ireland) Order 2004(a)) and 65 (saving provision – exemptions from requirement of authority under Article 45 of the Firearms (Northern Ireland) Order 2004), and the heading of Chapter 3.

Amendment of Northern Ireland legislation

5.—(1) The Firearms (Northern Ireland) Order 2004 is amended as follows.

(2) In Article 2(2) (interpretation) omit the definition of “another member State”.

(3) For the words “another member State”, in each other place in which they occur, substitute “a member State”.

(4) In Article 15(6)(b) (visitor’s firearm permit)(b), omit “other” in the second place it occurs.

(5) In Article 22 (Article 7 authorities), in paragraph (4)(d), for “the United Kingdom”, substitute “Northern Ireland”.

(6) In the heading of Article 43 (purchase or acquisition of firearms in other member States), omit “other”.

(7) In Article 55(2)(b) (production of certificates, etc.), omit “other” in the second place it occurs.

Robin Walker

Minister of State

Northern Ireland Office

25th November 2020

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Law Enforcement and Security (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/742) are to make amendments addressing deficiencies arising from the United Kingdom’s withdrawal from the EU. This instrument makes further amendments, in the fields of explosive precursors and firearms, in order to implement the Northern Ireland/Ireland Protocol to the Withdrawal Agreement (“the Protocol”).

The Protocol provides that the provisions of EU law listed in Annex 2 to the Protocol shall apply to and in the UK in respect of Northern Ireland. This is given effect by section 7A of the European Union (Withdrawal) Act 2018 (c 16). Annex 2 to the Protocol includes Regulation EU No 98/2013 on the marketing and use of explosives precursors (“the Precursors Regulation”) and Council Directive 91/477/EEC of 18 June 1991 on control of the acquisition and possession of weapons (“the Firearms Directive”).

Regulation 2 amends the Control of Explosives Precursors etc. Regulations (Northern Ireland) 2014 such that the Northern Ireland licensing regime for “Tier 2 substances” will not recognise licenses issued under legislation in Great Britain.

Regulation 3 omits amendments made by S.I. 2019/742 to the Control of Explosives Precursors etc. Regulations (Northern Ireland) 2014 (S.R. 2014 No. 224) to reflect that the Precursors Regulation will continue to apply in relation to Northern Ireland. Regulation 3 also omits amendments made to the Precursors Regulation in relation to Northern Ireland which would not have any effect, as a consequence of the fact that in relation to Northern Ireland the Precursors Regulation will continue to apply and will not be retained EU law.

(a) S.I. 2004/702 (N.I. 3) amended by S.I. 2019/742 (amendments not in force; due to come into force on IP completion day).

(b) Article 15(6) was amended by S.R. 2012/395.

Regulation 4(2) revokes (before they have taken effect) some of the amendments to Commission Implementing Regulation (EU) 2015/2403 of 15 December 2015 establishing common guidelines on deactivation standards and techniques for ensuring that deactivated firearms are rendered irreversibly inoperable, to reflect the fact that the Implementing Regulation will still apply in Northern Ireland.

Regulation 4(3) revokes the amendments that would have been made by S.I. 2019/742 to the Firearms (Northern Ireland) Order 2004 (S.I. 2004/702 (N.I. 3)), to reflect the provisions of the Northern Ireland Protocol. In particular, the provisions in relation to the European firearms pass are retained for Northern Ireland. Regulation 5 makes amendments to the 2004 Order in consequence of the continued application of the Firearms Directive.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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