

EXPLANATORY MEMORANDUM TO
THE VIOLENT CRIME REDUCTION ACT 2006 (SPECIFICATION FOR
IMITATION FIREARMS) REGULATIONS (NORTHERN IRELAND) 2023

SR 2023 No. 162

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Justice to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under the powers conferred by paragraph 7(A1)(a) and (6B) of Schedule 2 to the Violent Crime Reduction Act 2006 (“the 2006 Act”) and is subject to the negative resolution procedure.

2. Purpose

- 2.1. This Rule prescribes the specifications that imitation firearms must conform to, pursuant to paragraph 7(A1) of Schedule 2 to the 2006 Act, for the purposes of paragraph 7(2)(a) to (c) of Schedule 2 to the 2006 Act. The underlying purpose is to prevent imitation firearms from being converted into functioning firearms.

3. Background

- 3.1. The Firearms (Northern Ireland) Order 2004 (“the 2004 Order”) contains controls on the conversion of imitation firearms. If they are constructed or adapted as to be readily convertible into a firearm, they are treated as if they were a firearm under the 2004 Order and must be held on a firearm certificate. ‘Readily convertible’ is defined in the 2004 Order as being capable of conversion without any special skill, and the work involved does not require equipment or tools other than those in common use. In recent years this definition has become overtaken by the availability of specialist tools on the high street and through the internet.
- 3.2. Following concerns from the Association of Chief Police Officers that imitation firearms were increasingly being converted and used in crime, paragraph 7 of Schedule 2 to the 2006 Act was introduced, specifically for Northern Ireland. Paragraph 7(2) of Schedule 2 to the 2006 Act makes it an offence to manufacture or import an imitation firearm which does not conform to specifications set out in regulations or approved by such persons and in such manner as may be so set out. Paragraph 7 of Schedule 2 was commenced on 1 October 2007 but has no effect since a specification is still to be made.
- 3.3. Under paragraph 7(2)(a) to (c) of Schedule 2 to the 2006 Act, a person is guilty of an offence if they: manufacture an imitation firearm which does not conform to the prescribed specifications; modify an imitation firearm so that it ceases to conform; or modify a firearm to create an imitation firearm that does not conform.
- 3.4. Regulation 3(1) sets out the specifications for blank-firing imitation firearms.

- 3.5. Regulation 3(3) sets out the specifications for blank-firing imitation revolvers.

4. Consultation

- 4.1. No consultation has been completed in Northern Ireland as it was intended that the Violent Crime Reduction Act 2006 (Specification for Imitation Firearms) Regulations 2011 (S.I. 2011/1754), which came into force on 11 August 2011, should extend to the United Kingdom. However that Statutory Instrument extends only to Great Britain and the intention, in making this Rule, is to align with the rest of the United Kingdom.
- 4.2. The specification was developed by the Home Office involving experts from the Proof Houses, the Forensic Science Service and the gun trade. It dealt with blank-firing guns, which are the biggest problem with converted imitations. It was a necessarily technical piece of work since it set out the materials and processes to be used in the construction of blank firers. Home Office officials also sought to achieve a balance between making conversion as difficult as possible but without making the specification so tight that manufacture became prohibitively expensive for the trade (blank-firers have legitimate uses such as dog training and race starting). This specification also meets the UK's response to the requirements of Commission Implementing Directive (EU) 2019/69 on alarm and signal weapons under Council Directive 91/477/EEC.

5. Equality Impact

- 5.1. The Statutory Rule has been screened for any possible impact on equality of opportunity affecting the groups listed in section 75 of the Northern Ireland Act 1998 and no adverse or differential aspects were identified.

6. Regulatory Impact

- 6.1. Since any overall costs or savings would be negligible, a Northern Ireland Regulatory Impact Assessment has not been required.

7. Financial Implications

- 7.1. The legislation applies to small business.
- 7.2. To minimise the impact of the requirements on firms employing up to 20 people, the approach taken has been minimal as the impact is negligible as very few, if any, imitation weapons are manufactured in the UK.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. It is the view of the Department that these Regulations are compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1. Under the Windsor Framework, Northern Ireland must continue to align with Council Directive 91/477/EEC of 18 June 1991 on control of the acquisition and possession of weapons. Having regard to Article 10a(3) of Council Directive 91/477/EEC, the European Commission adopted Commission Implementing Directive (EU) 2019/69 of 16 January 2019 laying down technical specifications for alarm and signal weapons under Council Directive 91/477/EEC on control of the acquisition and possession

of weapons. This Statutory Rule implements Northern Ireland's obligations under the Windsor Framework and aligns with the UK's response on the regulatory framework for alarm and signal weapons, as required by Council Directive 91/477/EEC and Commission Implementing Directive (EU) 2019/69.

10. Parity or Replicatory Measure

- 10.1. In Great Britain, the corresponding Statutory Instrument is the Violent Crime Reduction Act 2006 (Specification for Imitation Firearms) Regulations 2011 (S.I. 2011/1754), which came into force on 11 August 2011. The Statutory Rule will mirror the content of the Statutory Instrument made in Great Britain in all aspects except for importation of imitation firearms into Northern Ireland, which is a reserved matter. A separate power is available to the Secretary of State under paragraph 7(1) of Schedule 2 to the Violent Crime Reduction Act 2006 to make provision in this regard.

11. Additional Information

- 11.1. This Statutory Rule will come into operation on 31st October 2023.