
DRAFT STATUTORY INSTRUMENTS

2019 No.

**The Law Enforcement and Security
(Amendment) (EU Exit) Regulations 2019**

PART 15

Firearms

CHAPTER 1

Amendment of legislation extending to England and Wales, Scotland and Northern Ireland

Amendment of Commission Implementing Regulation (EU) No 2015/2403

58.—(1) Commission Implementing Regulation (EU) No 2015/2403 of 15 December 2015 establishing common guidelines on deactivation standards and techniques for ensuring that deactivated firearms are rendered irreversibly inoperable is amended as follows.

(2) In Article 1 (scope), in paragraph 2—

- (a) for “the date of its application” substitute “8 April 2016”;
- (b) for “to another Member State” substitute “outside of the United Kingdom”.

(3) In Article 3 (verification and certification of deactivation of firearms)—

- (a) in paragraph 1 for “Member States” substitute “The appropriate authority”;
- (b) in paragraph 2 for “Member States” substitute “the appropriate authority”;
- (c) omit paragraph 3;
- (d) in paragraph 4—

(i) for “a deactivation certificate in accordance with the template set out in Annex III” substitute “certification in writing in accordance with the relevant legislation”;

(ii) omit the final sentence;

(e) in paragraph 6 for “Member States” substitute “The appropriate authority”;

(f) after paragraph 6 insert—

“7. In this Article—

“the appropriate authority” means, in relation to England and Wales and Scotland, the Secretary of State and, in relation to Northern Ireland, the Department of Justice in Northern Ireland;

“the relevant legislation” means, in relation to England and Wales and Scotland, section 8(b) of the Firearms (Amendment) Act 1988⁽¹⁾ and, in relation to Northern Ireland, Article 2(7) of the Firearms (Northern Ireland) Order 2004.”.

(4) Omit Article 4 (requests for assistance).

- (5) In Article 5 (marking of deactivated firearms)—
- (a) the existing provision becomes paragraph 1;
 - (b) for “the template set out in Annex II” substitute “the relevant legislation”;
 - (c) omit sub-paragraph (b);
 - (d) after sub-paragraph (c), insert—

“2. In this Article, “the relevant legislation” means, in relation to England and Wales and Scotland, section 8(a) of the Firearms (Amendment) Act 1988 and, in relation to Northern Ireland, Article 2(7) of the Firearms (Northern Ireland) Order 2004.”.
- (6) Omit Article 6 (additional deactivation measures).
- (7) Omit Article 7 (transfer of deactivated firearms within the Union).
- (8) Omit Article 8 (notification requirements).
- (9) After Article 9 (entry into force), omit “This Regulation shall be binding in its entirety and directly applicable in all Member States”.
- (10) In Annex I (technical specifications for the deactivation of firearms)—
- (a) omit “as defined in [Directive 91/477/EC](#)”;
 - (b) omit “In order to ensure a correct and uniform application of the deactivation operations of firearms, the Commission shall elaborate definitions in cooperation with the Member States.”.
- (11) Omit Annex II (template for marking of deactivated firearms).
- (12) Omit Annex III (model certificate for deactivated firearms).

CHAPTER 2

Amendment of legislation extending to England and Wales and Scotland

Amendment of the Firearms Act 1968

- 59.**—(1) The Firearms Act 1968(2) is amended as follows.
- (2) In section 5A(3) (exemptions from requirement of authority under s.5), omit subsection (3).
 - (3) In section 22 (acquisition and possession of firearms by minors), omit subsection (1A)(4).
 - (4) In section 27 (special provisions about firearm certificates), omit subsection (1A)(5).
 - (5) In section 28 (special provisions about shot gun certificates), omit subsection (1C)(6).
 - (6) Omit section 32A (documents for European purposes)(7) and the italic cross-heading before that section.
 - (7) Omit section 32B (renewal of European firearms pass)(8).
 - (8) Omit section 32C (variation, endorsement etc. of European documents)(9).

(2) [1968 c. 27](#).

(3) Section 5A was inserted by [S.I. 1992/2823](#). Relevant amendments were made by sections 108(5) and 109(2)(a) of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12).

(4) Section 22(1A) was inserted by [S.I. 1992/2823](#).

(5) Section 27(1A) was inserted by [S.I. 1992/2823](#).

(6) Section 28(1C) was inserted by [S.I. 1992/2823](#) and amended by [S.I. 2010/1759](#).

(7) Section 32A was inserted by [S.I. 1992/2823](#) and amended by paragraph 6 of Schedule 2 to the Firearms (Amendment) Act 1997 (c. 5).

(8) Section 32B was inserted by [S.I. 1992/2823](#).

(9) Section 32C was inserted by [S.I. 1992/2823](#) and amended by paragraph 6 of Schedule 2 to the Firearms (Amendment) Act 1997 (c. 5).

(9) In section 42A (information as to transactions under visitors' permits)(10)—

(a) in subsection (1)(b)—

(i) omit “or (d)”;

(ii) omit “or purchases or acquisitions by collectors etc”;

(iii) for “the member States” substitute “Great Britain”;

(b) in subsection (2)(b), for “the member State” substitute “Great Britain”.

(10) In section 48 (production of certificates)(11) —

(a) omit subsection (1A);

(b) in subsection (2) omit “or document”;

(c) omit subsection (4).

(11) In section 57 (interpretation)—

(a) in subsection (4)(12), omit the following definitions—

(i) “another member State” and “other member States”;

(ii) “Article 7 authority”;

(iii) “European firearms pass”;

(b) omit subsection (4A)(13).

(12) In Part 1 of Schedule 6 (prosecution and punishment of offences)(14), in the table, omit the entries relating to sections 32B(5), 32C(6) and 48(4) of that Act.

Saving provision – exemptions from requirement of authority under section 5 of the Firearms Act 1968

60.—(1) This regulation applies if, immediately before commencement day—

(a) a person has in the person's possession a prohibited weapon or prohibited ammunition within the meaning of the Firearms Act 1968, and

(b) subsection (3) of section 5A of that Act (exemptions from requirement of authority under section 5) applies in relation to that person's possession of the weapon or ammunition.

(2) Despite the repeal of that subsection by regulation 59 (amendment of the Firearms Act 1968), that subsection continues to have effect on and after commencement day in relation to the possession by that person of the weapon or ammunition.

Amendment of the Firearms (Amendment) Act 1988

61.—(1) The Firearms (Amendment) Act 1988(15) is amended as follows.

(2) In section 8A(16) (controls on defectively deactivated weapons), in each of subsections (2) and (3), for “the EU” in each place those words occur substitute “the United Kingdom”.

(3) In section 17(17) (visitors' permits)—

(a) in subsection (1A)(18)—

(10) Section 42A was inserted by S.I. 1992/2823 and amended by S.I. 2011/713.

(11) Section 48(1A) was inserted by S.I. 1992/2823.

(12) Section 57(4) was amended by S.I. 1992/2823.

(13) Section 4A was inserted by S.I. 1992/2823.

(14) The table in Part 1 of Schedule 6 was amended by S.I. 1992/2823.

(15) 1988 c. 45.

(16) Section 8A was inserted by section 128 of the Policing and Crime Act 2017 (c. 3).

(17) Relevant amendments made by S.I. 1992/2823.

(18) Section 17(1A) was inserted by S.I. 1992/2823.

- (i) in paragraph (b), omit “to a place outside the member States without first being taken to another member State”;
- (ii) at the end of paragraph (b) insert “or”;
- (iii) omit paragraph (d) and the “or” immediately preceding that paragraph;
- (b) omit subsection (3A)(19).
- (4) In section 18(20) (firearms acquired for export)—
 - (a) omit subsection (1A)(21);
 - (b) in subsection (4)(22) omit “and, in a case where the transaction is one for the purposes of which a document such as is mentioned in subsection (1A)(a) above is required to be produced, particulars of the agreement contained in that document”;
 - (c) omit subsection (6)(23).
- (5) Omit section 18A(24) (purchase or acquisition of firearms in other member States).
- (6) In section 18B(25) (permitted electronic means), in subsection (1)—
 - (a) in the opening words omit “or 18A”;
 - (b) in paragraph (a), for “the section concerned” substitute “that section”.

Amendment to the Firearms Acts (Amendment) Regulations 1992

62. In the Firearms Acts (Amendment) Regulations 1992(26), omit regulation 10 (exchange of information).

Amendment to the Firearms (Amendment) Act 1988 (Amendment) Regulations 2011

63. In the Firearms (Amendment) Act 1988 (Amendment) Regulations 2011(27), omit regulation 3 (review).

CHAPTER 3

Amendment of legislation extending to Northern Ireland

Amendment to the Firearms (Northern Ireland) Order 2004

- 64.**—(1) The Firearms (Northern Ireland) Order 2004(28) is amended as follows.
- (2) In Article 2(2) (interpretation), omit the following definitions—
 - (a) “another member State”;
 - (b) “Article 7 authority”;
 - (c) “European firearms pass”.
 - (3) In Article 15 (visitor’s firearm permit)(29), omit paragraph (6).

(19) Section 17(3A) was inserted by [S.I. 1992/2823](#) and amended by [S.I. 2011/2175](#).

(20) Relevant amendments made by [S.I. 1992/2823](#).

(21) Section 18(1A) was inserted by [S.I. 1992/2823](#).

(22) Section 18(4) was amended by [S.I. 1992/2823](#).

(23) Section 18(6) was inserted by [S.I. 1992/2823](#).

(24) Section 18A was inserted by [S.I. 1992/2823](#) and amended by [S.I. 2011/713](#).

(25) Section 18B was inserted by [S.I. 2011/713](#) and amended by paragraphs 6 and 7(b) of Schedule 14 to the Policing and Crime Act 2017 and by [S.I. 2013/602](#).

(26) [S.I. 1992/2823](#).

(27) [S.I. 2011/2175](#).

(28) [S.I. 2004/702 \(N.I. 3\)](#).

(29) Article 15 was amended by regulation 2 of [S.R. 2012 No. 395](#).

- (4) Omit Article 19 (issue of European firearms pass) and the italic cross-heading before Article 19.
- (5) Omit Article 20 (duration of European firearms pass).
- (6) Omit Article 21 (renewal of European firearms pass).
- (7) Omit Article 22 (Article 7 authorities).
- (8) Omit Article 23 (variation, endorsement, etc. of European documents)(**30**).
- (9) Omit Article 43 (purchase or acquisition of firearms in other member States).
- (10) In Article 44 (firearms acquired for export)—
 - (a) omit paragraph (2);
 - (b) in paragraph (5), omit sub-paragraph (b) and the “and” immediately preceding that sub-paragraph.
- (11) In Article 46 (exemptions from requirement of authority under Article 45), omit paragraph (4).
- (12) In Article 55 (production of certificates, etc.)—
 - (a) omit paragraphs (2) and (5);
 - (b) in paragraph (3)(a) omit “or document”.
- (13) In Schedule 5 (table of punishments) omit the entries relating to—
 - (a) Article 21(4);
 - (b) Article 23(6);
 - (c) Article 43(5);
 - (d) Article 55(5).

Saving provision – exemptions from requirement of authority under Article 45 of the Firearms (Northern Ireland) Order 2004

- 65.**—(1) This regulation applies if, immediately before commencement day—
- (a) a person has in the person’s possession a prohibited weapon or prohibited ammunition within the meaning of the Firearms (Northern Ireland) Order 2004, and
 - (b) paragraph (4) of Article 46 of that Order (exemptions from requirement of authority under Article 45) applies in relation to that person’s possession of the weapon or ammunition.
- (2) Despite the revocation of that paragraph by regulation 64 (amendment of the Firearms (Northern Ireland) Order 2004), that paragraph continues to have effect on and after commencement day in relation to the possession by that person of the weapon or ammunition.

(30) Article 23 was amended by [S.I. 2010/976](#).