

<b>Title:</b> <b>The Firearms Act 1968 (Amendment) Regulations 2010</b> <b>Lead department or agency:</b> The Home Office <b>Other departments or agencies:</b>	<b>Impact Assessment (IA)</b>
	<b>IA No:</b> HO0004
	<b>Date:</b> 28/05/2010
	<b>Stage:</b> Final
	<b>Source intervention:</b> EU
	<b>Type of measure:</b> Secondary legislation
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## Summary: Intervention and Options

### What is the problem under consideration? Why is government intervention necessary?

The proposed amendments to legislation are necessary to implement the provisions of the EU Weapons Directive, which were agreed in July 2008, into domestic legislation by 28<sup>th</sup> July 2010. The amended EU Directive was initially proposed by the Commission to bring it into line with various provisions in the United Nations Firearms Protocol. It was finalized and put forward as Directive 2008/51/EC of the European Parliament and of the Council of 21 May 2008 amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons by the Council of Member States and the European Parliament.

### What are the policy objectives and the intended effects?

The proposed amendments to legislation would make it an offence to sell or let on hire a firearm or ammunition to someone under 18 and for a person under 18 to hire or buy a firearm. The amendments would also make it a requirement for those under 18 carrying firearms and ammunition for others at shoots to assist only certificate holders aged 18 or over; starters using pistols at athletic meetings to be 18 or over; and those aged seventeen borrowing firearms or shot guns on private land to be supervised by a person 18 or over.

### What policy options have been considered? Please justify preferred option (further details in Evidence Base)

We are bound by the provision of the EU Weapons Directive and obliged to implement its provisions into UK law. The options are:

- 1) Do Nothing (and risk infraction proceedings)
- 2) Implement the provisions in the Directive into UK legislation.

<b>When will the policy be reviewed to establish its impact and the extent to which the policy objectives have been achieved?</b>	It will be reviewed
<b>Are there arrangements in place that will allow a systematic collection of monitoring information for future policy review?</b>	Not applicable

**Ministerial Sign-off** For final proposal stage Impact Assessments:

***I have read the Impact Assessment and I am satisfied that (a) it represents a fair and reasonable view of the expected costs, benefits and impact of the policy, and (b) the benefits justify the costs.***

Signed by the responsible Minister: James Brokenshire ..... Date: 6th July 2010.....

# Summary: Analysis and Evidence

# Policy Option 1

## Description:

Price Base Year	PV Base Year	Time Period Years	Net Benefit (Present Value (PV)) (£m)		
			Low: Optional	High: Optional	Best Estimate: Negl.

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	N/A	N/A	N/A
High	N/A	N/A	N/A
Best Estimate	Negligible		

### Description and scale of key monetised costs by 'main affected groups'

910 17 year olds were granted firearm or shot gun certificates in the UK between 1/1/09 and 31/12/09 (In NI 16 year olds can buy) . If a similar number of 17 year olds were granted certificates from 28/7/10 to 27/7/11 we believe the majority would be able to acquire through gifts. There's a very small risk that a few may not know a certificate holder who could buy and gift them a firearm. The supervisory measures require under 18s to be supervised by a certificate holder 18+.

### Other key non-monetised costs by 'main affected groups'

N/A

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	Optional	Optional	Optional
High	Optional	Optional	Optional
Best Estimate	Unknown		

### Description and scale of key monetised benefits by 'main affected groups'

Unknown

### Other key non-monetised benefits by 'main affected groups'

Seventeen year olds would not be able to buy or hire firearms and thus would be subject to the same restrictions on sales relating to air weapons. From an administrative perspective, this brings into line age limits for all firearms. In relation to the other measures, the Regulations provide that those borrowing or possessing firearms must be accompanied or supervised by a person 18 or over. The UK will not be liable to infraction proceedings.

### Key assumptions/sensitivities/risks

Discount rate (%) 3.5

The Regulations will prevent Registered Firearms Dealers from selling to 17 year olds. Information collected from police databases suggests that around 900 17 year olds were granted firearm or shot gun certificates from 1/1/2009 to 1/12/09 in the UK (In NI 16 year olds can buy; only 4 were granted FACs). Assuming a similar number of 17 year olds were granted certificates from 28/7/10 to 27/7/11 we expect that the majority of these would still be able to acquire through gifts. Loaders under 18 will need to assist a certificate holder 18 +; starters for athletic events must be 18 + but seldom would an 18 year old not be present at such events. While those aged 17 would not be able to hire under the new provision, they could still borrow firearms under supervision of an FAC holder 18 +.

Impact on admin burden (AB) (£m):		Impact on policy cost savings (£m):		In scope
New AB:	AB savings: 0	Net: 0	Policy cost savings: 0	Yes

## Enforcement, Implementation and Wider Impacts

What is the geographic coverage of the policy/option?			Great Britain		
From what date will the policy be implemented?			28/07/2010		
Which organisation(s) will enforce the policy?			The police		
What is the total annual cost (£m) of enforcement for these organisations?			Negligible		
Does enforcement comply with Hampton principles?			Yes		
Does implementation go beyond minimum EU requirements?			No		
What is the CO <sub>2</sub> equivalent change in greenhouse gas emissions? (Million tonnes CO <sub>2</sub> equivalent)			Traded: N/A	Non-traded: N/A	
Does the proposal have an impact on competition?			No		
What proportion (%) of Total PV costs/benefits is directly attributable to primary legislation, if applicable?			Costs: N/A	Benefits: N/A	
Annual cost (£m) per organisation (excl. Transition) (Constant Price)	Micro N/A	< 20 N/A	Small N/A	Medium N/A	Large N/A
Are any of these organisations exempt?	No	No	No	No	No

## Specific Impact Tests: Checklist

Set out in the table below where information on any SITs undertaken as part of the analysis of the policy options can be found in the evidence base. For guidance on how to complete each test, double-click on the link for the guidance provided by the relevant department.

Please note this checklist is not intended to list each and every statutory consideration that departments should take into account when deciding which policy option to follow. It is the responsibility of departments to make sure that their duties are complied with.

Does your policy option/proposal have an impact on...	Impact	Page ref within IA
<b>Statutory equality duties<sup>1</sup>?</b> <u>Equality and Human Rights Commission: General guidance</u>	No	
<b>Economic impacts</b>		
Competition? <u>Competition Impact Assessment</u>	No	
Small firms? <u>Small Firms Impact Test</u>	No	
<b>Environmental impacts</b>		
Greenhouse gas assessment? <u><a href="http://www.defra.gov.uk/environment/index.htm">http://www.defra.gov.uk/environment/index.htm</a></u>	No	
Wider environmental issues? <u>Guidance has been created on the Defra site</u>	No	
<b>Social impacts</b>		
Health and well-being? <u>Health: Health Impact Assessment</u>	No	
Human rights? <u>Ministry of Justice: Human Rights</u>	No	
Justice?	No	
Rural proofing? <u>Commission for Rural Communities</u>	No	
<b>Sustainability?</b> <u>Defra: Think sustainable</u>	No	

<sup>1</sup> Race, disability and gender Impact assessments are statutory requirements for relevant policies. Equality statutory requirements will be expanded 2011, once the Equality Bill comes into force. Statutory equality duties part of the Equality Bill apply to GB only. The Toolkit provides advice on statutory equality duties for public authorities with a remit in Northern Ireland.

## Evidence Base (for summary sheets) – Notes

Use this space to set out the relevant references, evidence, analysis and detailed narrative from which you have generated your policy options or proposal. Please fill in **References** section.

### References

Include the links to relevant legislation and publications, such as public impact assessment of earlier stages (e.g. Consultation, Final, Implementation).

No.	Legislation or publication
1	The Firearms Act 1968 (Amendment) Regulations 2010 (as an attachment)
2	<a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32008L0051:en:NOT">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32008L0051:en:NOT</a>
3	
4	

+ Add another row

### Evidence Base

Ensure that the information in this section provides clear evidence of the information provided in the summary pages of this form (recommended maximum of 30 pages). Complete the **Annual profile of monetised costs and benefits** (transition and recurring) below over the life of the policy (use the spreadsheet attached if the period is longer than 10 years).

The spreadsheet also contains an emission changes table that you will need to fill in if your measure has an impact on greenhouse gas emissions.

#### Annual profile of monetised costs and benefits\* - (£m) constant prices

	Y <sub>0</sub>	Y <sub>1</sub>	Y <sub>2</sub>	Y <sub>3</sub>	Y <sub>4</sub>	Y <sub>5</sub>	Y <sub>6</sub>	Y <sub>7</sub>	Y <sub>8</sub>	Y <sub>9</sub>
<b>Transition costs</b>	N/A									
<b>Annual recurring cost</b>										
<b>Total annual costs</b>										
<b>Transition benefits</b>										
<b>Annual recurring benefits</b>										
<b>Total annual benefits</b>										

\* For non-monetised benefits please see summary pages and main evidence base section



Microsoft Office  
Excel Worksheet

# Evidence Base (for summary sheets)

## A. Strategic Overview

### A.1 Background

The Government is proposing to implement the measures in the EU Weapons Directive through the Firearms Act 1968 (Amendment) Regulations 2010. This was negotiated over a period of about two years in Brussels.

The draft Regulations seek to implement measures introduced by the revised EU Weapons Directive 2008/51/EC of the European Parliament and of the Council of 21 May 2008 which amends the Council Directive of 18 June 1991 on control of the acquisition and possession of weapons (91/477/EEC). The proposed Regulations mirror the provisions in Article 5a of the Directive concerning age restrictions on the sale, purchase, and hire of firearms to those under eighteen years of age. To incorporate these provisions into legislation, proposed amendments have been made to sections 11 (1), 11 (2), 11 (5), 22 (1) and 24 (1) of the Firearms Act 1968 and consequential amendments to section 27 (1A) and 28 (1C) of the 1968 Act. Section 16 (1) of the Firearms (Amendment) Act 1988 is also amended. Proposed amendments have also been made to Article 7 and Schedule 1 of the Firearms (Northern Ireland) Order 2004.

### A.2 Groups Affected

Those turning seventeen on or after 28<sup>th</sup> July 2010. In Northern Ireland those turning 16 on or after that date.

### A.3 Consultation

#### **Within Government**

BIS, Export Control Organization, DEFRA, UKBA, Northern Ireland, Department of Justice in Northern Ireland and the Welsh Assembly.

#### **Public Consultation**

ACPO, ACPOS, British Shooting Sport Council and the Gun Control Network.

## B. Rationale

The Government is obliged to implement the provisions in the EU Directive into domestic legislation.

## C. Objectives

To prevent seventeen year olds from acquiring firearms through purchase and to ensure that those under 18 are supervised in the use of firearms by firearm certificate holders who are 18 or over.

## D. Options

Option 1 is to make no changes (do nothing).

Option 2 Implement changes in the EU Weapons Directive by means of secondary legislation.

## **E. Appraisal (Costs and Benefits)**

### **General Assumptions and Data**

Information collected from the National Firearms Licensing Management System show that 597 17 year olds were granted firearms or shot gun certificates between 1st January 2009 and 31st December 2009. In Scotland, which operates a different records system from that of England and Wales, 309 17 year olds were granted firearm or shot gun certificates for the same period. In Northern Ireland, where 16 and 17 year olds can purchase, only 4 were granted. Assuming a similar number of 17 year olds applied for firearm or shot gun certificates during the period 28th July 2010 to 27th July 2011 we believe that the majority of such persons would still be able to acquire firearms through gifts such as those from family members.

The amendment to section 11 (1) requires gun bearers under 18 (such as those carrying firearms and ammunition for others at shoots) to carry only for certificate holders 18 or over. Section 11(2) is amended so that starters at athletic events using a starting pistol must be 18 or over. The proposed amendments to section 11 (5) require those under 18 who borrow shot guns on private land to be accompanied by those over 18. And similar provisions have been made under the proposed changes to s 16 (1) which concerns the borrowing of rifles on private land so that those aged 17 must be supervised by a certificate holder aged eighteen or over.

Similar amendments have been proposed to Schedule 1 to the Firearms (Northern) Ireland Order 2004 in respect of gun bearers and starters at athletics meetings.

**Option 1 - is to make no changes (do nothing).**

### **Policy Costs**

None.

### **Administrative Burdens**

None.

### **TOTAL COSTS (of policy)**

There would be no cost in terms of an implementation fee. But, infraction proceedings are in the range of £10m were we to fail to implement the Directive.

### **Policy Benefits**

The status quo would be maintained.

### **Administrative Savings**

£0m

### **TOTAL BENEFITS**

Legislation would remain unchanged, but this would be outweighed by the very real danger of infraction proceedings which could result in a steep fine.

## **Option 2 – Implement changes in the EU Weapons Directive by means of secondary legislation**

### **Policy Costs**

Negligible. Around 900 17 year olds were granted firearms or shot gun certificates between 1/1/09 and 31/12/09 across the UK. Assuming a similar number of those turning 17 during the 12 month period from 28<sup>th</sup> July 2010-11 would have applied for a firearm or shot gun certificate in order to purchase a firearm, but for the proposed change in legislation, we would expect the majority of that number to be able to acquire through gifts provided they had been granted a shot gun or firearm certificate (see Policy Benefits below). The policy in itself will result in negligible costs to the Home Office and the police service.

### **Administrative Burdens**

£0m. There will be no extra forms to fill in and no other administrative burdens.

### **TOTAL COSTS**

Negligible.

### **Policy Benefits**

The measure would prevent seventeen year olds buying firearms. They would be able to apply for a firearm or shot gun certificate as now but would rely upon the gifting of the firearm from parents. This also brings age limits for buying in line with those for air weapons which can only be purchased by those eighteen years or over and the legislation on realistic imitation firearms which can only be bought by those eighteen years or over. It provides a greater level of supervision for those borrowing firearms and shot guns on private land by ensuring those supervising under 18s are at least 18 and that those under 18 carrying firearms for others may only do so for certificate holder 18 or over. It also provides that those starting athletic events with a starting pistol are over 18.

As we intend to implement the measure the UK will avoid infraction proceedings.

### **Administrative Savings**

£0m

### **TOTAL BENEFITS**

Seventeen year olds would not be able to buy firearms. Coupled with the other amendments introduced by the Regulations this aligns age limits for all firearms.

## **F. Risks**

### **Option 1 – Do Nothing**

The Government would risk infraction proceedings.

### **Option 2 – Implement changes in the EU Weapons Directive by means of secondary legislation**

We anticipate that the vast majority of those turning 17 between 28<sup>th</sup> July 2010 to 27<sup>th</sup> July 2011 will be able to acquire firearms or shot guns by virtue of a gift from either family or those well known to the certificate holder. Given the small number of individuals who would be affected by the change, the costs to the gun trade are likely to be minimal.

The amendments to 11 (1) require gun bearers under 18 (such as those carrying firearms and ammunition for others at shoots) to carry only for certificate holders 18 or over. Section 11(2) is amended so that starters at athletic events using a starting pistol must be 18 or over.

The proposed amendments to section 11 (5) require that those under 18 who borrow shot guns on private land are borrowing from and in the presence of occupiers who are 18 or over.

The proposed changes to section 16 (1) of the Firearms (Amendment) Act 1988 means that occupiers under 18 with a firearm certificate would only be able to lend to and supervise those borrowing rifles who were aged 18 and over. There is a very slight chance that the certificate holder supervising the shoot would be under 18 and without the support of a certificate holding adult in which case he would not be able to supervise those under 18 on his own land.

## G. Enforcement

Enforcement will be compliant with the principles of the Hampton code. The police will enforce this policy. This should be negligible costs owing to the small number applying for this.

## H. Summary and Recommendations

The table below outlines the costs and benefits of the proposed changes.

<b>Table H.1 Costs and Benefits</b>		
<b>Option</b>	<b>Costs</b>	<b>Benefits</b>
<b>2</b>	Negligible	Unknown
		Benefits: no EU infraction proceedings 17 year olds cannot buy firearms; brings into law on air weapons
Source:		

[Option 2 preferred – if the UK does not implement the measures the EU could impose infraction proceedings for not complying with the Directive.]

## I. Implementation

The Government plans to implement these changes on 28<sup>th</sup> July.

## J. Monitoring and Evaluation

The effect of the measure would be monitored by the Home Office via the police's National Firearms Licensing Management System.

## K. Feedback

We shall consult interested parties such as The British Shooting Sport Council; the British Association for Shooting and Conservation and BASC and the Gun Control Network.



## **L. Specific Impact Tests**

## Annexes

Annex 1 should be used to set out the Post Implementation Review Plan as detailed below. Further annexes may be added to provide further information about non-monetary costs and benefits from Specific Impact Tests, if relevant to an overall understanding of policy options.

### Annex 1: Post Implementation Review (PIR) Plan

A PIR should be undertaken, usually three to five years after implementation of the policy, but exceptionally a longer period may be more appropriate. A PIR should examine the extent to which the implemented regulations have achieved their objectives, assess their actual costs and benefits and identify whether they are having any unintended consequences. Please set out the PIR Plan as detailed below. If there is no plan to do a PIR please provide reasons below.

<p><b>Basis of the review:</b> [The basis of the review could be statutory (forming part of the legislation), it could be to review existing policy or there could be a political commitment to review];</p> <p>N/A</p>
<p><b>Review objective:</b> [Is it intended as a proportionate check that regulation is operating as expected to tackle the problem of concern?; or as a wider exploration of the policy approach taken?; or as a link from policy objective to outcome?]</p> <p>N/A</p>
<p><b>Review approach and rationale:</b> [e.g. describe here the review approach (in-depth evaluation, scope review of monitoring data, scan of stakeholder views, etc.) and the rationale that made choosing such an approach]</p> <p>N/A</p>
<p><b>Baseline:</b> [The current (baseline) position against which the change introduced by the legislation can be measured]</p> <p>N/A</p>
<p><b>Success criteria:</b> [Criteria showing achievement of the policy objectives as set out in the final impact assessment; criteria for modifying or replacing the policy if it does not achieve its objectives]</p> <p>N/A</p>
<p><b>Monitoring information arrangements:</b> [Provide further details of the planned/existing arrangements in place that will allow a systematic collection systematic collection of monitoring information for future policy review]</p> <p>N/A</p>
<p><b>Reasons for not planning a PIR:</b> [If there is no plan to do a PIR please provide reasons here]</p> <p>The UK is bound by the EU Weapons Directive to implement the measures concerning age limits for the purchase of firearms. In the unlikely event that a review considered repealing the amendments added by the Directive, the UK would be in danger of infraction proceedings from the EU.</p>

## **Annex 2. Specific Impact Tests**

### **Statutory Equality Duties**

#### Equality Impact Assessment

Equality Impact Assessment. There is no disproportionate impact on a particular sex or ethnicity by this proposal as it affects all seventeen year olds.

#### Small Firms Impact Test

Small Firms IA: The measures affect all Registered Firearms Dealers. There is unlikely to be a disproportionate effect on small businesses