



# Offensive Weapons Act 2019

## 2019 CHAPTER 17

### PART 6

#### FIREARMS

#### **54 Prohibition of certain firearms etc: England and Wales and Scotland**

- (1) The Firearms Act 1968 is amended as follows.
- (2) In section 5 (weapons subject to general prohibition), in subsection (1), after paragraph (af) insert—
  - “(ag) any rifle with a chamber from which empty cartridge cases are extracted using—
    - (i) energy from propellant gas, or
    - (ii) energy imparted to a spring or other energy storage device by propellant gas,other than a rifle which is chambered for .22 rim-fire cartridges;”.
- (3) In section 5(1), for the “and” at the end of paragraph (b) substitute—
  - “(ba) any device (commonly known as a bump stock) which is designed or adapted so that—
    - (i) it is capable of forming part of or being added to a self-loading lethal barrelled weapon (as defined in section 57(1B) and (2A)), and
    - (ii) if it forms part of or is added to such a weapon, it increases the rate of fire of the weapon by using the recoil from the weapon to generate repeated pressure on the trigger; and”.
- (4) In section 5(2), after “including,” insert “ in the case of weapons, any devices falling within subsection (1)(ba) of this section and, ”.
- (5) In section 5(2A)(a), after “weapon” insert “ , device ”.

<sup>F1</sup>(6) .....

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- (7) In Schedule 6 (prosecution and punishment of offences) in Part 1 (table of punishments)—
- (a) in the entry for section 5(1)(a), (ab), (aba), (ac), (ad), (ae), (af) or (c), in the first column, after “(af)” insert “ , (ag), (ba) ”,
  - (b) in the entry for section 19, in the third column, for “or (af)” substitute “ , (af), (ag) or (ba) ”, and
  - (c) in the entry for section 20(1), in the third column, for “or (af)” substitute “ , (af), (ag) or (ba) ”.
- (8) The amendments made by subsection (6) apply only in relation to—
- (a) an offence under section 5(1)(ag) or (ba) of the Firearms Act 1968 which is committed after the coming into force of subsection (6), and
  - (b) an offence under a provision listed in section 51A(1A) of that Act in respect of a firearm specified in section 5(1)(ag) or (ba) of that Act which is committed after the coming into force of subsection (6).

#### Textual Amendments

- F1** S. 54(6) repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 29](#) (with ss. 413(4), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

#### Modifications etc. (not altering text)

- C1** S. 54(6) modified (1.12.2020 immediately before the consolidation date (see 2020 c. 9, ss. 3, 5(2)(3) and 2020 c. 17, ss. 2, 416)) by [Sentencing \(Pre-consolidation Amendments\) Act 2020 \(c. 9\)](#), [ss. 1](#), 5(2)(3); [S.I. 2012/1236](#), reg. 2

#### Commencement Information

- I1** S. 54(1)(5)(7)(a) in force at Royal Assent, s. 54(2)-(4) in force for specified purposes at Royal Assent, see. s. 70(5)(c)(d)-(f)
- I2** S. 54(2)-(4) in force at 14.7.2021 in so far as not already in force by [S.I. 2021/819](#), [reg. 2\(f\)](#)
- I3** S. 54(7)(b)(c)(8) in force at 14.7.2021 by [S.I. 2021/819](#), [reg. 2\(f\)](#)

## 55 Prohibition of certain firearms etc: Northern Ireland

- (1) The Firearms (Northern Ireland) Order 2004 (SI 2004/702 (NI 3)) is amended as follows.
- (2) In Article 45 (weapons subject to general prohibition), in paragraph (1), after sub-paragraph (e) insert—
- “(ea) any rifle with a chamber from which empty cartridge cases are extracted using—
- (i) energy from propellant gas, or
  - (ii) energy imparted to a spring or other energy storage device by propellant gas,
- other than a rifle which is chambered for .22 rimfire cartridges;”.
- (3) In Article 45(1), for the “and” at the end of sub-paragraph (f) substitute—
- “(fa) any device (commonly known as a bump stock) which is designed or adapted so that—

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- (i) it is capable of forming part of or being added to a self-loading firearm, and
  - (ii) if it forms part of or is added to such a firearm, it increases the rate of fire of the firearm by using the recoil from the firearm to generate repeated pressure on the trigger; and””.
- (4) In Article 2(2) (interpretation), in the definition of “prohibited weapon” and “prohibited ammunition”, after “including,” insert “ in the case of weapons, any devices falling within paragraph (1)(fa) of that Article and, ”.
- (5) In Article 70(1)(a) (minimum sentence for certain offences), in each of heads (ii) and (iv), after “(e)” insert “ , (ea), (fa) ”.
- (6) In Schedule 5 (table of punishments)—
- (a) in the entry for Article 45(1)(a), (aa), (b), (c), (d), (e) and (g), in the first column, after “(e)” insert “ , (ea), (fa) ”,
  - (b) in the entry for Article 61(1), in the third column, for “or (e)” substitute “ , (e), (ea) or (fa) ”, and
  - (c) in the entry for Article 62(1), in the third column, for “or (e)” substitute “ , (e), (ea) or (fa) ”.
- (7) The amendments made by subsection (5) apply only in relation to—
- (a) an offence under Article 45(1)(ea) or (fa) of the Firearms (Northern Ireland) Order 2004 (SI 2004/702 (NI 3)) which is committed after the coming into force of subsection (5), and
  - (b) an offence under a provision listed in Article 70(1A) of that Order in respect of a firearm specified in Article 45(1)(ea) or (fa) of that Order which is committed after the coming into force of subsection (5).

#### Commencement Information

- I4** S. 55(1)(6)(a) in force at Royal Assent, s. 55(2)(3) in force for specified purposes at Royal Assent, see s. 70(5)(h)(i)(j)(k)
- I5** S. 55(2)(3) in force at 14.7.2021 in so far as not already in force by S.I. 2021/819, reg. 2(g)
- I6** S. 55(4)(5)(6)(b)(c)(7) in force at 14.7.2021 by S.I. 2021/819, reg. 2(g)

## 56 Consequential amendments relating to sections 54 and 55

Schedule 2 contains consequential amendments relating to sections 54 and 55.

#### Commencement Information

- I7** S. 56 in force at 14.7.2021 by S.I. 2021/819, reg. 2(h)

## 57 Surrender of prohibited firearms etc

- (1) The Secretary of State may make such arrangements as the Secretary of State thinks fit to secure—
- (a) the orderly surrender at designated police stations of firearms the possession of which will become unlawful by virtue of section 54 or 55;

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- (b) the orderly surrender at designated police stations or other places of ancillary equipment.
- (2) The chief officer of police for any area may designate any police station in the chief officer's area as being suitable for the receipt of—
  - (a) surrendered firearms or ancillary equipment, or
  - (b) surrendered firearms or ancillary equipment of a particular description.
- (3) The Chief Constable of the Police Service of Northern Ireland may designate any police station in Northern Ireland as being suitable for the receipt of—
  - (a) surrendered firearms or ancillary equipment, or
  - (b) surrendered firearms or ancillary equipment of a particular description.
- (4) In this section “ancillary equipment” has the meaning given by section 60(2).

## **58 Payments in respect of surrendered firearms other than bump stocks**

- (1) This section applies to firearms of the kind referred to in—
  - (a) the paragraph to be inserted into section 5(1) of the Firearms Act 1968 by section 54(2), or
  - (b) the sub-paragraph to be inserted into Article 45(1) of the Firearms (Northern Ireland) Order 2004 (SI 2004/702 (NI 3)) by section 55(2).
- (2) This section applies if the Secretary of State makes arrangements under section 57 for the surrender of firearms to which this section applies.
- (3) The Secretary of State must by regulations provide for payments to be made in respect of such firearms which are surrendered in accordance with the arrangements.
- (4) Regulations under subsection (3) must provide that a payment may only be made to a person making a claim which meets—
  - (a) condition A, and
  - (b) condition B or C.
- (5) Condition A is that possession of the firearm to which the claim relates will become unlawful by virtue of section 54 or 55.
- (6) Condition B is that the person making the claim had and was entitled to have the firearm in their possession on or immediately before 20th June 2018 by virtue of a firearm certificate held by them or by virtue of being a registered firearms dealer.
- (7) Condition C is that—
  - (a) on or before 20th June 2018 the person making the claim had contracted to acquire the firearm, and
  - (b) that person was entitled to have the firearm in their possession after that date by virtue of a firearm certificate held by them or by virtue of being a registered firearms dealer.
- (8) The provision that may be made by regulations under subsection (3) includes—
  - (a) other provision restricting eligibility for receipt of payments, including provision restricting eligibility to claims made in respect of firearms surrendered within a period specified in the regulations;

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- (b) provision about the procedure to be followed (including any time within which claims must be made and the provision of information) in respect of claims and for the determination of claims;
- (c) provision enabling a person to exercise a discretion in determining—
  - (i) whether to make a payment in response to a claim, and
  - (ii) the amount of such a payment.

## **59 Payments in respect of prohibited firearms which are bump stocks**

- (1) This section applies to firearms of the kind referred to in—
  - (a) the paragraph to be inserted into section 5(1) of the Firearms Act 1968 by section 54(3), or
  - (b) the sub-paragraph to be inserted into Article 45(1) of the Firearms (Northern Ireland) Order 2004 (SI 2004/702 (NI 3)) by section 55(3).
- (2) This section applies if the Secretary of State makes arrangements under section 57 for the surrender of firearms to which this section applies.
- (3) The Secretary of State must by regulations provide for payments to be made in respect of such firearms which are surrendered in accordance with the arrangements.
- (4) Regulations under subsection (3) must provide that a payment may only be made to a person making a claim which meets—
  - (a) condition A,
  - (b) condition B or C, and
  - (c) condition D.
- (5) Condition A is that possession of the firearm to which the claim relates will become unlawful by virtue of section 54 or 55.
- (6) Condition B is that the person making the claim had the firearm in their possession on or immediately before 20th June 2018.
- (7) Condition C is that on or before 20th June 2018 the person making the claim had contracted to acquire the firearm.
- (8) Condition D is that the person making the claim did not import the firearm into the United Kingdom on or after 4th December 2017.
- (9) The provision that may be made by regulations under subsection (3) includes—
  - (a) other provision restricting eligibility for receipt of payments, including provision restricting eligibility to claims made in respect of firearms surrendered within a period specified in the regulations;
  - (b) provision about the procedure to be followed (including any time within which claims must be made and the provision of information) in respect of claims and for the determination of claims;
  - (c) provision enabling a person to exercise a discretion in determining—
    - (i) whether to make a payment in response to a claim, and
    - (ii) the amount of such a payment.

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## **60 Payments in respect of ancillary equipment**

- (1) The Secretary of State may by regulations provide for payments to be made in respect of ancillary equipment of any description specified in the regulations.
- (2) In subsection (1) “ancillary equipment” means equipment, other than prohibited ammunition, which—
  - (a) is designed or adapted for use in connection with firearms prohibited by virtue of section 54 or 55, and
  - (b) has no practicable use in connection with any firearm which is not a prohibited weapon.
- (3) Regulations under subsection (1) must provide that a payment may only be made to a person making a claim which meets—
  - (a) condition A, and
  - (b) where the claim is made in respect of ancillary equipment which is ammunition, condition B.
- (4) Condition A is that the person making the claim had the ancillary equipment to which the claim relates in their possession—
  - (a) on or immediately before 20th June 2018, or
  - (b) after that date because they purchased it by virtue of a contract entered into on or before that date.
- (5) Condition B is that the possession of the ammunition by the person making the claim was, at all material times, lawful by virtue of a firearm certificate held by them or by virtue of being a registered firearms dealer.
- (6) Regulations under subsection (1) may require, as a condition of eligibility for receipt of payments in respect of any equipment—
  - (a) the surrender (whether to the police or any other person) of that equipment in accordance with the regulations within a period specified in the regulations,
  - (b) the disposal of that equipment by way of sale within a period so specified, or
  - (c) either such surrender or such disposal of the equipment within a period so specified.
- (7) The provision that may be made by regulations under subsection (1) includes—
  - (a) other provision restricting eligibility for receipt of payments, including provision restricting eligibility to claims made in respect of ancillary equipment surrendered or disposed of within a period specified in the regulations;
  - (b) provision about the procedure to be followed (including any time within which claims must be made and the provision of information) in respect of claims and for the determination of claims;
  - (c) provision enabling a person to exercise a discretion in determining—
    - (i) whether to make a payment in response to a claim, and
    - (ii) the amount of such a payment.

## **61 Conditions applying to certain firearms: England and Wales and Scotland**

- (1) The Firearms Act 1968 is amended as follows.
- (2) After section 27 insert—

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### **“27A Conditions for storage etc of certain firearms**

- (1) This section applies to a firearm if it is a rifle from which a shot, bullet or other missile, with kinetic energy of more than 13,600 joules at the muzzle of the weapon, can be discharged.
  - (2) The Secretary of State must by rules under section 53 prescribe conditions—
    - (a) subject to which a firearm certificate relating to a firearm to which this section applies must be granted or renewed, and
    - (b) which impose requirements as to the storage of a firearm to which this section applies and as to the security measures to be taken when such a firearm is in transit.
  - (3) Before making rules under section 53 which prescribe conditions of the kind mentioned in subsection (2) the Secretary of State must consult such persons likely to be affected by the rules as the Secretary of State considers appropriate.”
- (3) In section 53 (rules for implementing the Act)—
- (a) the existing text becomes subsection (1), and
  - (b) at the end of that subsection insert—
    - “(2) A statutory instrument containing (whether alone or with other provision) rules under this section which prescribe conditions of the kind mentioned in section 27A(2) (conditions for storage etc of certain firearms) is subject to annulment in pursuance of a resolution of either House of Parliament.”

PROSPECTIVE

### **62 Conditions applying to certain firearms: Northern Ireland**

- (1) The Firearms (Northern Ireland) Order 2004 (SI 2004/702 (NI 3)) is amended as follows.
- (2) In Article 6 (conditions), after paragraph (3) insert—

“(3A) Paragraphs (1) and (2) are subject to Article 6A (conditions for storage etc of certain firearms) and regulations under that Article.”
- (3) After Article 6 insert—

#### **“6A Conditions for storage etc of certain firearms**

- (1) This Article applies to a firearm if it is a rifle from which a shot, bullet or other missile, with kinetic energy of more than 13,600 joules at the muzzle of the weapon, can be discharged.
- (2) The Department of Justice must by regulations prescribe conditions—
  - (a) subject to which a firearm certificate relating to a firearm to which this Article applies must be granted, and

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- (b) which impose requirements as to the storage of a firearm to which this Article applies and as to the security measures to be taken when such a firearm is in transit.
- (3) If a firearm certificate is granted subject to conditions prescribed under paragraph (2), that certificate may not be varied so as to vary or revoke those conditions.
- (4) Before making regulations under paragraph (2) the Department of Justice must consult such persons likely to be affected by the regulations as the Department considers appropriate.”
- (4) In Article 11 (variation of firearm certificate), after paragraph (1) insert—
  - “(1A) Paragraph (1) is subject to Article 6A (conditions for storage etc of certain firearms) and regulations under that Article.”

### **63 Interpretation of Part**

- (1) Any expression used in this Part as it applies in relation to England and Wales and Scotland and which is defined in the Firearms Act 1968 has the same meaning as in that Act.
- (2) Any expression used in this Part as it applies in relation to Northern Ireland and which is defined in the Firearms (Northern Ireland) Order 2004 (SI 2004/702 (NI 3)) has the same meaning as in that Order.



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