
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations (which are made under section 2(2) of the European Communities Act 1972, and are expressed to come into force on 1st January 1993) amend the Firearms Act 1968 (“the 1968 Act”) and the Firearms (Amendment) Act 1988 for the purpose of implementing requirements of Council Directive No.91/477/EEC (on the control of the acquisition and possession of weapons) (O.J. No. L256, 13.9.91, page 51) (“the Directive”). References in this note to articles, annexes and categories are references to articles of, and annexes to, the Directive, and to categories in Annex I.

Regulation 3 makes the additional provision in the 1968 Act which is necessary for the purpose of implementing the requirements of Article 6. The weapons and ammunition referred to in the regulation are classified as prohibited weapons and ammunition under section 5 of that Act, that is to say, in this instance, weapons and ammunition whose possession, purchase, acquisition, sale or transfer requires the authority of the Secretary of State. The regulation contains an exception for collectors and bodies recognised as being concerned with the cultural and historical aspects of weapons (hereafter in this note referred to as “collectors”), in light of their general exception from the Directive under Article 2.2. There is an exception for licensed slaughterers in respect of expanding ammunition for use with a slaughtering instrument. There is also an exception in respect of expanding pistol ammunition for persons whose firearm certificates limit its use to use for purposes authorised by the Directive (“the authorised purposes”) that is to say use with a slaughtering instrument or for the purposes of sport, the shooting of vermin and, in connection with estate management, other wildlife, competition and target shooting outside competition. Registered firearms dealers whose certificates of registration enable them to do so may acquire such ammunition for sale or transfer to persons who fall within the exception.

Regulation 4, which makes the necessary additional provision in the 1968 Act for the purpose of implementing the requirements of Article 5, restricts the use of a firearm, by the holder of a firearm or shot gun certificate under the age of eighteen, to use for the authorised purposes. The regulation also provides that, where a person under eighteen applies for a firearm certificate, he is to be capable of having a good reason for possessing, purchasing or acquiring a firearm or ammunition only if he has no intention of using it for a purpose other than the authorised purposes. The regulation makes corresponding provision (which preserves the existing burden of proof on the chief officer of police to be satisfied that the applicant does not have a good reason before he can refuse a certificate) in respect of an application for a shot gun certificate.

Regulation 5 implements the requirements of Article 1.4 and Annex II by providing for the issue or renewal, on request, of a European Firearms Pass. The regulation also implements Article 7.1, insofar as it requires a resident of Great Britain to have the agreement of his domestic authorities to his purchase of a category B firearm, or ammunition for such a firearm, in another member State; it does this by providing for the issue of an authorisation which is referred to in the Regulations as an “Article 7 authority”. In both cases the document in question is to be issued by the chief officer of police to a person who is granted or is the holder of a firearm or a shot gun certificate, as the case may be. However, there is provision also for the issue of an Article 7 authority to a person without a certificate who does not intend to bring the firearm or ammunition in question in to the United Kingdom.

Regulation 6(1) implements Article 9 insofar as it relates to the transfer of a shot gun which falls within category C to a person who is not resident in Great Britain. The effect of regulation 6(1) is that such a person may not purchase or acquire such a shot gun and remove it to another member State

Status: This is the original version (as it was originally made).

unless he has an export licence or falls wholly within the general exception for collectors. Paragraph (2) of regulation 6 implements the requirement in Article 8.2 that a seller, dealer or other transferor of a category C firearm to such a person must notify the domestic authorities (in this case the chief officer of police) of the transaction.

Regulation 7(1) implements the requirement in Article 12.1 that a visitor's European Firearms Pass should record the authorisation given by the State he is visiting. The effect of regulation 7(1) is that details of a visitor's firearm or shot gun permit are to be entered on his European Firearms Pass, unless he can show that he is not entitled to have such a pass or that he falls wholly within the general exception for collectors.

Regulation 7(2) implements the requirements in Articles 1.4 and 12.1 respectively that the visitor is to retain possession of his European Firearms Pass and produce it whenever so required by the authorities. It requires the production of a pass on demand by a constable.

Regulation 8 implements Article 7(1) insofar as it requires the resident of another member State to produce the document issued to him in that State which corresponds to an Article 7 authority before he can purchase a category B firearm. There is an exception for collectors.

Regulation 9 implements the requirement in Article 8.2 that a resident of Great Britain who purchases or acquires a category C firearm in another member State must inform his own domestic authorities of the transaction, by requiring him to give notice of the transaction to the chief officer of police for the area in which he resides. There are exceptions if he does not intend to remove the firearm from the member State where the acquisition takes place or if he falls wholly within the general exception for collectors.

Regulation 10 removes any obligation as to confidentiality or secrecy with regard to the disclosure of information which is required to be disclosed in pursuance of the Directive, in particular by Article 13.