

2010 No. 1759

ARMS AND AMMUNITION

The Firearms (Amendment) Regulations 2010

<i>Made</i> - - - -	<i>6th July 2010</i>
<i>Laid before Parliament</i>	<i>7th July 2010</i>
<i>Coming into force</i> - -	<i>28th July 2010</i>

The Secretary of State, being the Minister designated for the purposes of section 2(2) of the European Communities Act 1972^(a) in relation to measures relating to firearms and ammunition, makes the following Regulations in exercise of the powers conferred by that section:

Citation and commencement

- 1.—(1) These Regulations may be cited as the Firearms (Amendment) Regulations 2010.
- (2) These Regulations come into force on 28th July 2010.

Acquisition and possession of firearms by minors

- 2.—(1) The Firearms Act 1968^(b) is amended as follows.
- (2) In section 11 (sports, athletics and other approved activities)—
 - (a) in subsection (1) at the end insert “; but where the person carrying the firearm or ammunition is under the age of eighteen, this subsection applies only if the other person is of or over the age of eighteen”;
 - (b) in subsection (2) after “A person” insert “of or over the age of eighteen”;
 - (c) in subsection (5) at the end insert “; but where the person borrowing the shot gun is under the age of eighteen, this subsection applies only if the occupier is of or over the age of eighteen”.
- (3) In section 22 (acquisition and possession of firearms by minors) for subsection (1) substitute—

“(1) It is an offence for a person under the age of eighteen to purchase or hire any firearm or ammunition.”.
- (4) In section 24 (supplying firearms to minors), for subsection (1) substitute—

“(1) It is an offence to sell or let on hire any firearm or ammunition to a person under the age of eighteen.”.
- (5) In section 27 (special provisions about firearm certificates), in subsection (1A) omit “purchasing or”.

^(a) 1972 c. 68.

^(b) 1968 c. 27; sections 22(1) and 24(1) were amended by the Violent Crime Reduction Act 2006 (c. 38), and sections 27(1A) and 28(1C) were inserted by S.I. 1992/2823.

(6) In section 28 (special provision about shot gun certificates), in subsection (1C) omit “, purchasing”.

(7) In Part I of Schedule 6 (prosecution and punishment of offences)—

(a) for the entry relating to section 22(1) substitute—

“Section 22(1)	Person under 18 acquiring firearm	Summary	(i) where the offence is committed by a person aged 17 in relation to a firearm other than an air weapon or ammunition other than ammunition for an air weapon, 3 months or a fine of level 5 on the standard scale; or both; (ii) in any other case, 6 months or a fine of level 5 on the standard scale; or both.”
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(b) for the entry relating to section 24(1) substitute—

“Section 24(1)	Selling or letting on hire a firearm to a person under 18	Summary	(i) where the offence is committed in relation to a person aged 17 and in relation to a firearm other than an air weapon or ammunition other than ammunition for an air weapon, 3 months or a fine of level 5 on the standard scale; or both; (ii) in any other case, 6 months or a fine of level 5 on the standard scale; or both.”
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3. In section 16(1) of the Firearms (Amendment) Act 1988(a) (borrowed rifles on private premises), after paragraph (b) insert—

“; and

(c) where the borrower is of the age of seventeen, the occupier or servant in whose presence the rifle is used is of or over the age of eighteen.”.

4.—(1) The Firearms Rules 1998(b) are amended as follows.

(2) In Part I of Schedule 1 (form of application for a firearm certificate), in Part F of the form (declaration), for “if the applicant is under 17 years of age” substitute “if the applicant is under 18 years of age”.

(3) In Part I of Schedule 2 (form of application for a shot gun certificate), in Part E of the form (declaration), for “if the applicant is under 17 years of age” substitute “if the applicant is under 18 years of age”.

5.—(1) The Firearms (Northern Ireland) Order 2004(c) is amended as follows.

(2) In article 7 (grant of firearm certificate to young persons)—

(a) in each of paragraphs (2) and (3) after “to a young person” insert “for the acquisition and possession, but not for the purchase, of a firearm and ammunition”;

(b) in paragraph (2)—

(i) at the end of sub-paragraph (a) omit “and”;

(ii) after sub-paragraph (b) insert—

“; and

(a) 1988 c. 45.

(b) S.I. 1998/1941.

(c) S.I. 2004/702 (N.I. 3).

- (c) the young person has produced with his application to the Chief Constable, the permission in writing of a parent or guardian to the acquisition and possession of the firearm and ammunition to which the application relates.”;
 - (c) in paragraph (3)(b)(ii) for “for a specified period of at least 12 months” substitute “during the period until he attains the age of 18”.
- (3) In Schedule 1 (firearm certificates – exemptions)—
- (a) in paragraph 5 at the end insert “, but where the person carrying the firearm or ammunition is under the age of eighteen, this paragraph applies only if the other person has attained the age of eighteen”;
 - (b) in paragraph 6 after “A person” insert “who has attained the age of eighteen”.

Home Office
6th July 2010

James Brokenshire
Parliamentary Under Secretary of State

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Firearms Act 1968, the Firearms (Amendment) Act 1988, the Firearms Rules 1998 and the Firearms (Northern Ireland) Order 2004 (“the Firearms legislation”) for the purpose of implementing the requirements of Directive 2008/51/EC of the European Parliament and of the Council (O.J. No. L179, 8.7.2008, page 5) (“the 2008 Directive”), which amends Council Directive No. 91/477/EEC on the control of the acquisition and possession of weapons (O.J. No. L256, 13.9.1991, page 51) (“the 1991 Directive”).

Regulations 2, 3, 4 and 5 amend the Firearms legislation in order to implement article 5(a) of the 1991 Directive as amended by article 1(4) of the 2008 Directive, which restrict the acquisition and possession of firearms by persons under the age of 18. Article 5(a) permits a person under the age of 18 to acquire a firearm only by means other than purchase, and to acquire or possess a firearm only in certain circumstances, the relevant ones for the purposes of these Regulations being where the person has parental permission or is under the supervision of a licensed adult.

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