

2019 No. 1419

ARMS AND AMMUNITION

The Firearms (Amendment) (No. 2) Rules 2019

Made - - - - - 28th October 2019

Coming into force - - - 12th December 2019

The Secretary of State makes the following Rules in exercise of the powers conferred by sections 27(2), 28(2) and 53(a) of the Firearms Act 1968(a).

Citation and commencement

1. These Rules may be cited as the Firearms (Amendment) (No. 2) Rules 2019 and come into force on 12th December 2019.

Amendments to the Firearms Rules 1998

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

(2) In rule 2 (interpretation), after paragraph (d) insert—

“(da) “relevant component part” has the same meaning as in section 57(1)(c) read together with section 57(1D)(c) of the Firearms Act 1968.”.

(3) In rule 3 (firearm certificates), after paragraph (4)(iv)(b) insert—

“(c) where the holder of the certificate is under the age of eighteen, arrangements must be in place for ensuring that one of the following persons assumes responsibility for the secure storage of the firearms and ammunition to which the certificate relates in accordance with sub-paragraph (a)—

(i) the holder’s parent or guardian;

(ii) a person aged eighteen or over who is authorised under the principal Act to have possession of such firearms and ammunition.”.

(4) In rule 5 (shot gun certificates), after paragraph 4(iv)(b) insert—

“(c) where the holder of the certificate is under the age of eighteen, arrangements must be in place for ensuring that one of the following persons assumes responsibility for the secure storage of the shot guns to which the certificate relates in accordance with sub-paragraph (a)—

(i) the holder’s parent or guardian;

(ii) a person aged eighteen or over who is authorised under the principal Act to have possession of such shot guns.”.

(a) 1968 c. 27. Section 27(2) was amended by section 23(5) of the Firearms (Amendment) Act 1988 (c. 45).

(b) S.I. 1998/1941; relevant amending instruments are S.I. 2007/2605, S.I. 2013/2970 and S.I. 2018/1042.

(c) section 57(1D) was inserted by section 125(4) of the Policing and Crime Act 2017 (c. 3).

(5) In Part 4 of Schedule 5 (firearms dealer's register of transactions), in paragraph 2 (directions as to the manner of keeping a register)—

(a) for sub-paragraph (a) substitute—

“(a) in the case of firearms (other than air weapons) manufactured before 14th September 2018 and firearms of historical importance—

- (i) the class of firearms (eg shot gun, rifle, revolver or pistol);
- (ii) the calibre;
- (iii) the name of the manufacturer or brand;
- (iv) the country or place of manufacture, if known;
- (v) the identification number (which may be the serial number) or other distinguishing mark, if present;

(aa) in the case of firearms (other than air weapons and firearms of historical importance) manufactured in the United Kingdom or anywhere in the European Union or imported from outside the European Union on or after 14th September 2018—

- (i) the class of firearms (eg shot gun, rifle, revolver or pistol);
- (ii) the calibre;
- (iii) the unique marking affixed to each relevant component part, to include—
 - (aa) the name of the manufacturer or brand;
 - (bb) the country or place of manufacture;
 - (cc) the serial number and the year of manufacture (if not part of the serial number);
 - (dd) the model (where feasible);
- (iv) where a relevant component part, other than the frame and the receiver, is too small to have a unique marking including all of the information set out in paragraph (iii)(aa) to (dd) above, the serial number or alphanumeric or digital code instead of that information.”.

(b) after sub-paragraph (b)(iii), insert—

“(iv) batch number;”.

Kit Malthouse
Minister of State
Home Office

28th October 2019

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules make amendments to the Firearms Rules 1998 (“the Rules”) (S.I. 1998/1941) for the purpose of implementing the requirements of Directive (EU) 2017/853 of the European Parliament and of the Council of 17 May 2017 (“the 2017 Directive”) amending Council Directive 91/477/EEC (“the 1991 Directive”) on control of the acquisition and possession of weapons.

On 23rd June 2016, the EU referendum took place and the people of the United Kingdom voted to leave the European Union. Until exit negotiations are concluded, the UK remains a full member of the European Union and all rights and obligations of EU membership remain in force. During this period the Government will continue to negotiate, implement and apply EU legislation. The outcome of these negotiations will determine what arrangements apply in relation to EU legislation in future once the UK has left the EU.

Rules 2(3) and 2(4) implement article 5(1)(a) of the 1991 Directive, as amended by article 1(6) of the 2017 Directive, which restricts the acquisition and possession of firearms by persons under the age of 18. Article 5(1)(a) permits a person under the age of 18 to acquire or possess a firearm provided that responsibility for its proper storage is assumed by a parent or an adult who holds a valid firearm authorisation.

Rule 2(5) implements paragraphs 1 and 2 of article 4 of the 1991 Directive, as amended by article 1(3) of the 2017 Directive, which sets out the marking requirements for firearms and essential component parts of firearms manufactured or imported into the EU on or after 14 September 2018 and ammunition. Rule 2(5) amends the particulars to be entered by firearms dealers into the register of transactions under Part 4 of Schedule 5 to the Rules (firearms dealer's register of transactions) to reflect the changes to the requirements for marking firearms.

Measures have also been implemented through the Firearms Regulations 2019 and an explanatory memorandum providing more detail on the way the amendments to the 1991 Directive have been implemented has been published alongside that instrument on the www.legislation.gov.uk website and is also available from the Home Office, 2 Marsham Street, SW1P 4DF. A transposition note has also been laid before Parliament.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

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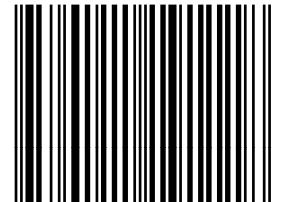
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