

2019 No. 1420

ARMS AND AMMUNITION

The Firearms Regulations 2019

Made - - - - 28th October 2019

Laid before Parliament 31st October 2019

Coming into force - - 12th December 2019

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

Citation, commencement, extent and interpretation

1.—(1) These Regulations may be cited as the Firearms Regulations 2019 and come into force on 12th December 2019.

(2) Regulation 5 extends to Northern Ireland only.

(3) In these Regulations—

“appropriate national authority” means—

(a) in relation to England and Wales and Scotland, the Secretary of State;

(b) in relation to Northern Ireland, the Department of Justice in Northern Ireland;

“deactivated firearm” means a firearm that has been deactivated in accordance with the technical specifications set out in the document published by the Secretary of State under section 8A(5) of the Firearms (Amendment) Act 1988 (controls on defectively deactivated weapons)(c) which apply to that firearm;

“firearm”, for the purposes of regulations 1 to 4, has the meaning given—

(a) in relation to England and Wales and Scotland, by section 57(1) of the Firearms Act 1968 (interpretation)(d);

(b) in relation to Northern Ireland, by Article 2(2) of the Firearms (Northern Ireland) Order 2004 (interpretation)(e);

“transfer”, for the purposes of regulations 1 to 4, includes sell, give, let on hire for a period of more than 14 days or lend for a period of more than 14 days.

(a) S.I. 1991/755.

(b) 1972 c. 68. Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7).

(c) 1988 c. 45. Section 8A was inserted by section 128 of the Policing and Crime Act 2017 (c. 3).

(d) 1968 c. 27. Section 57(1) was amended by section 125(1) and (2) of the Policing and Crime Act 2017.

(e) S.I. 2004/702 (N.I. 3). Relevant amendments are referenced in these Regulations.

Notification of transfers of deactivated firearms

- 2.—(1) A person commits an offence if the person—
- (a) transfers a deactivated firearm to another person, and
 - (b) does not give notice of the transfer to the appropriate national authority in accordance with paragraph (2).
- (2) Notice for the purposes of paragraph (1)(b) must—
- (a) be given—
 - (i) before the person transfers the deactivated firearm, or
 - (ii) as soon as reasonably practicable after the transfer;
 - (b) describe the deactivated firearm including by giving, if known, the make, calibre and serial number;
 - (c) state the name and address of—
 - (i) the person giving notice, and
 - (ii) the person to whom the deactivated firearm has been or will be transferred, and
 - (d) be sent by registered post, by recorded delivery or by email to a postal or electronic address published pursuant to paragraph (3).
- (3) The appropriate national authority must publish a postal address and an electronic address to which a notice given in accordance with paragraph (2) may be sent.
- (4) A person guilty of an offence under paragraph (1) is liable—
- (a) on summary conviction in England and Wales, to a fine not exceeding level 1 on the standard scale;
 - (b) on summary conviction in Scotland, to a fine not exceeding level 1 on the standard scale;
 - (c) on summary conviction in Northern Ireland, to a fine not exceeding level 1 on the standard scale.

Notification of deactivated firearms

- 3.—(1) Subject to paragraph (2), a person commits an offence if—
- (a) the person is in possession of a deactivated firearm;
 - (b) the person does not give notice of the deactivated firearm to the appropriate national authority in accordance with paragraph (3), and
 - (c) where the deactivated firearm has been transferred to the person, the person who transferred it has not given notice of the transfer in accordance with regulation 2 (notification of transfers of deactivated firearms).
- (2) Paragraph (1) does not apply if the person is in possession of the deactivated firearm for a period of 14 days or less.
- (3) Notice for the purposes of paragraph (1)(b) must—
- (a) be given—
 - (i) on or before the day on which the person first possesses the deactivated firearm, or
 - (ii) as soon as reasonably practicable after that date;
 - (b) describe the deactivated firearm, including by giving, if known, the make, calibre and serial number;
 - (c) state the person's name and address, and
 - (d) be sent by registered post, by recorded delivery or by email to a postal or electronic address published pursuant to paragraph (4).
- (4) The appropriate national authority must publish a postal address and an electronic address to which a notice given in accordance with paragraph (3) may be sent.

(5) In proceedings for an offence under this regulation against any person to whom a deactivated firearm has been transferred, it is a defence for the person to show that the person reasonably believed that the transferor had given, or would give, notice of the transfer in accordance with regulation 2.

- (6) A person guilty of an offence under paragraph (1) is liable—
- (a) on summary conviction in England and Wales, to a fine not exceeding level 1 on the standard scale;
 - (b) on summary conviction in Scotland, to a fine not exceeding level 1 on the standard scale;
 - (c) on summary conviction in Northern Ireland, to a fine not exceeding level 1 on the standard scale.

Transitional provision

4. Regulation 3 (notification of deactivated firearms) does not have effect until 14th March 2021 in respect of deactivated firearms which came into the person's possession before 14th September 2018.

Amendments to the Firearms (Northern Ireland) Order 2004

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

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

(a) in paragraph (2)—

- (i) omit the “and” at the end of sub-paragraph (b);
- (ii) after sub-paragraph (c) insert—

“and

(d) the Chief Constable attaches a condition under Article 6(1) that arrangements must be in place for ensuring that a parent or guardian assumes responsibility for the secure storage of the firearm and ammunition to which the certificate relates.”;

(b) in paragraph (3)—

- (i) omit the “and” at the end of sub-paragraph (a);
- (ii) after sub-paragraph (b) insert—

“and

(c) the Chief Constable attaches a condition under Article 6(1) that arrangements must be in place for ensuring that a person who has attained the age of 21 and has held a firearm certificate for a firearm of that type for at least three years assumes responsibility for the secure storage of the firearm and ammunition to which the certificate relates.”.

(3) In Article 38A (recording of transactions in firearms by Chief Constable)—

- (a) in paragraph (2)(a), for “to (d)” substitute “and (b)”;
- (b) in paragraph (2)(b), after “transferee” insert “, together with the date of the transaction”;
- (c) in paragraph (3)(b), for “20 years from the date of the transaction” substitute “30 years after the destruction of the firearm in question”;

(4) In Schedule 3 (record of transactions) for paragraph 6 substitute—

“6.

(a) Article 7 was amended by S.I. 2010/1759 and paragraph 2(1) of Schedule 5 to the Justice Act (Northern Ireland) 2016 (c. 21). Article 38A was inserted by S.I. 2015/860. Paragraph 6 of Schedule 3 was inserted by S.I. 2015/860. Other amendments are not relevant.

References in paragraphs 1 to 5 to a description of a firearm include—

- (a) in the case of firearms manufactured before 14th September 2018 and firearms of historical importance—
 - (i) the type of firearm;
 - (ii) the model;
 - (iii) the calibre;
 - (iv) the name of the manufacturer or brand;
 - (v) the country or place of manufacture, if known;
 - (vi) the serial number;
- (b) in the case of firearms (other than 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 type of firearm;
 - (ii) the model;
 - (iii) the calibre;
 - (iv) the unique marking affixed to each component part, excluding the magazine, to include—
 - (aa) the name of the manufacturer or brand;
 - (bb) the country or place of manufacture;
 - (cc) the serial number;
 - (dd) the year of manufacture (if not part of the serial number);
 - (ee) the model (where feasible);
 - (v) where a 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 (iv)(aa) to (ee) above, the serial number or alphanumeric or digital code instead of that information.”.

Kit Malthouse
Minister of State
Home Office

28th October 2019

EXPLANATORY NOTE

(This note is not part of these Regulations)

These Regulations make provision in respect of deactivated firearms and amend the Firearms (Northern Ireland) Order 2004 (“the 2004 Order”) (S.I. 2004/702) (N.I. 3) in order to complete the implementation in the United Kingdom 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. Measures have also been implemented in respect of England and Wales and Scotland through the Firearms (Amendment) (No.2) Rules 2019.

Regulations 2 to 4 implement article 8 of the 1991 Directive which applies to firearms deactivated in accordance with Implementing Regulation (EU) 2015/2403 as a result of article 1(19) of the 2017 Directive. Article 8 prohibits possession of such firearms unless they have been notified to a competent authority and requires notification of their transfer.

Regulation 2 makes it an offence to transfer a deactivated firearm unless notice of that transfer has been given in accordance with that regulation to the appropriate national authority. A person found guilty of an offence under regulation 2 is liable to a fine not exceeding level 1 on the standard scale.

Regulation 3(1) makes it an offence for a person to be in possession of a deactivated firearm unless that person gives notice of the firearm in accordance with that regulation to the appropriate national authority or notice of the transfer of the firearm to that person has been given in accordance with regulation 2. Paragraph (2) of regulation 3 provides for an exception to paragraph (1) where the person is in possession of the deactivated firearm for a period of 14 days or less. Paragraph (5) provides a defence where a person to whom a deactivated firearm has been transferred shows that they reasonably believed that the transferor had given, or would give, notice of the transfer in accordance with regulation 2. A person found guilty of an offence under regulation 3 is liable to a fine not exceeding level 1 on the standard scale.

Regulation 4 makes transitional provision in respect of deactivated firearms acquired before 14th September 2018 so that a person does not have to notify a deactivated firearm in accordance with regulation 3 until 14th March 2021 if that firearm came into the person's possession before 14th September 2018.

Regulation 5 implements articles 5(1)(a), 4(4) and 4(1) and (2) of the 1991 Directive as amended by articles 1(6), 1(3)(b) and 1(3)(a) respectively of the 2017 Directive in respect of Northern Ireland.

Regulation 5(2) amends Article 7 of the 2004 Order (grant of firearm certificate to young persons) to ensure that, where a person under 18 is permitted to acquire or possess a firearm and ammunition, an appropriate adult assumes responsibility for its secure storage.

Regulation 5(3) amends Article 38A of the 2004 Order (recording of transactions in firearms by Chief Constable) in order to update the particulars of firearms transactions to be recorded by the Chief Constable and manner by which the record must be kept.

Regulation 5(4) amends the particulars to be entered by firearms dealers into the record of transactions under paragraph 6 of Schedule 3 to the 2004 Order to reflect the changes to the requirements for marking firearms.

A transposition note has been laid before Parliament which provides more detail on the way that the amendments to the 1991 Directive have been implemented.

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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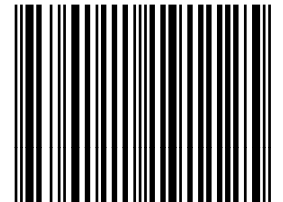
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