

**EXPLANATORY MEMORANDUM TO**  
**THE FIREARMS (AMENDMENT) RULES 2023**

**2023 No. 77**

**1. Introduction**

- 1.1 This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of His Majesty.

**2. Purpose of the instrument**

- 2.1 These Rules will prescribe the conditions which must be applied when a firearms certificate is granted or renewed relating to unusually powerful, high muzzle energy (HME) rifles. The requirement for a high level of security will mitigate the risk of theft and misuse of HME rifles (defined as those capable of discharging a bullet with kinetic energy of more than 13,600 joules at the muzzle of the weapon).

**3. Matters of special interest to Parliament**

*Matters of special interest to the Joint Committee on Statutory Instruments*

- 3.1 None.

**4. Extent and Territorial Application**

- 4.1 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England, Wales and Scotland.
- 4.2 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England, Wales and Scotland. The control of air weapons is devolved to Scotland, but high muzzle energy rifles do not fall into this category.

**5. European Convention on Human Rights**

- 5.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

**6. Legislative Context**

- 6.1 Firearms are regulated in England, Wales and Scotland by the Firearms Act 1968 (“the 1968 Act”). Certificates for civilian firearms such as HME rifles are provided for by section 1 of the Act and are administered by the police.
- 6.2 The Firearms Rules 1998 (“the 1998 Rules”) already require the holder of a firearm certificate to store their firearm securely so as to prevent, so far as is reasonably practical, access by an unauthorised person. Before granting a certificate, the police look at the overall security arrangements that will be in place and in doing so consider three levels of security proportionate to the risk. These are set out in the [Firearms Security Handbook 2020](#) published by the Home Office and up-dated on 20th January 2021. Level 3 is the highest level in the handbook and the new Rules will require HME rifles to be stored in accordance with the measures described or measures which are at least as secure.

- 6.3 The Rules have been made to give effect to section 27A(2) of the 1968 Act which was inserted by section 61(1) and (2) of the Offensive Weapons Act 2019 . This requires the Secretary of State to make rules under section 53 setting out the security conditions subject to which a firearm certificate relating to an HME rifle must be granted or renewed.

## 7. Policy background

### *What is being done and why?*

- 7.1 A change is being made to the Firearms Rules 1998 to mandate level 3 security for HME rifles. This means that in addition to the two levels of security which apply to other types of firearms, extra measures can be required such as extra cabinets in different locations within the premises, target hardening through individual gun locks, or the installation of monitored intruder alarms. This is in response to concerns about the potential for serious misuse and loss of life if HME rifles were to fall into the wrong hands.
- 7.2 As required by section 27A(3) of the 1968 Act, the Home Office conducted a public consultation on 24 November 2020 inviting comments on a range of firearms safety issues which were raised during the passage through Parliament of the Offensive Weapons Act 2019. [Firearms safety - GOV.UK](#) The government published a summary of all the responses received on 20 July 2022 [Firearms safety - GOV.UK](#) and, having carefully considered all the points raised, decided to use section 53 of the Firearms Act 1968 to mandate level 3 security for HME rifles through a change to the Firearms Rules. This means that in addition to the two levels of security which apply to other types of firearms, extra measures can be required such as extra cabinets in different locations within the premises, target hardening through individual gun locks, or the installation of monitored intruder alarms

### *Explanations*

#### What did any law do before the changes to be made by this instrument?

- 7.3 Prior to the Firearms (Amendment) Rules 2023, level 3 security was not mandated for HME rifles.

#### Why is it being changed?

- 7.4 The provisions in the Offensive Weapons Act 2019 were inserted in response to concerns about the potential for serious misuse and loss of life if HME rifles were to fall into the wrong hands. The original provision which would have sought to ban all HME rifles was withdrawn from the OWA by the Government in favour of considering whether the introduction of enhanced security around their storage would sufficiently mitigate the risk of theft and misuse, bearing in mind the particular characteristics of these rifles such as their weight and size.
- 7.5 As required by section 27A(3) of the 1968 Act, the Home Office conducted a public consultation on 24 November 2020 inviting comments on a range of firearms safety issues which were raised during the passage through Parliament of the Offensive Weapons Act 2019. [Firearms safety - GOV.UK](#) The government published a summary of all the responses received on 20 July 2022 [Firearms safety - GOV.UK](#) and, having carefully considered all the points raised, decided to use section 53 of the Firearms Act 1968 to mandate level 3 security for HME rifles through a change to the

Firearms Rules. This means that in addition to the two levels of security which apply to other types of firearms, extra measures can be required such as extra cabinets in different locations within the premises, target hardening through individual gun locks, or the installation of monitored intruder alarms

What will it now do?

- 7.6 Mandating level 3 security means that, in addition to the two levels of security which apply to other types of firearms, extra measures can be required for HME rifles, such as extra cabinets in different locations within the premises, target hardening through individual gun locks, or the installation of monitored intruder alarms.

**8. European Union Withdrawal and Future Relationship**

- 8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

**9. Consolidation**

- 9.1 This instrument only makes a minor addition albeit important addition to the Firearms Rules 1998, but we would wish to consider consolidation at a suitable future opportunity after other firearms related issues have been resolved.

**10. Consultation outcome**

- 10.1 The Home Office conducted a full public consultation between 24 November 2020 and 16 February 2021. We received a total of 12,758 responses to the consultation, comprising 12,293 completed online survey responses and 465 responses by e-mail.
- 10.2 Responses came from a range of stakeholders. Around two thirds (67.7%) of respondents were categorised as members of the public. Almost one quarter (22.8%) of respondents self-identified as members of the shooting community.
- 10.3 A total of 12,427 people responded to a question about the security of HME rifles, of whom a majority of 10,367 (83%) agreed or strongly agreed that stipulating level 3 security requirements, as set out in the security handbook would be sufficient to mitigate the risks.

**11. Guidance**

- 11.1 Guidance on the requirements for level 3 security will be included as part of the firearms pages on gov.uk. The police will also be informed directly of the new requirements.

**12. Impact**

- 12.1 There is no, or no significant, impact on business, charities or voluntary bodies.
- 12.2 There is no, or no significant, impact on the public sector.
- 12.3 A full Impact Assessment has not been prepared for this instrument because no, or no significant, impact on the private voluntary or public sectors is foreseen. Only a very small number of people shoot these rifles.

**13. Regulating small business**

- 13.1 The legislation does not apply to activities that are undertaken by small businesses.

**14. Monitoring & review**

- 14.1 The approach to monitoring of this legislation is that no monitoring will be required. The Rules do not include a statutory review clause.

**15. Contact**

- 15.1 Graham Widdecombe at the Home Office, telephone: 020 7035 1792 or email: [graham.widdecombe@homeoffice.gov.uk](mailto:graham.widdecombe@homeoffice.gov.uk) can be contacted with any queries regarding the instrument.
- 15.2 Bernard Lane, Acting Deputy Director for the Firearms Policy Unit, at the Home Office can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 The Minister of State for Crime, Policing and Fire, Chris Philp MP, at the Home Office can confirm that this Explanatory Memorandum meets the required standard.