

**EXPLANATORY MEMORANDUM TO
THE FIREARMS (VARIATION OF FEES) ORDER 2015**

2015 No. 611

1. This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 The purpose of the instrument is to increase firearms licensing fees in respect of the grant, renewal or variation of a firearm or shot gun certificate (including co-terminous¹ grant or renewal) as well as fees for registration as a firearms dealer and applications for visitors' permits.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 The increase in firearms licensing fees is above the rate of inflation. This is because firearms licensing fees have not changed since 2001 and the changes made by the instrument were supported by the majority of the respondents to the Government consultation on increasing firearms fees.

4. Legislative Context

4.1 This instrument amends primary legislation to increase firearms licensing fees.

4.2 Sections 32(1) of the Firearms Act 1968 specifies the fees to be paid for the grant, renewal or variation of a firearm or shot gun certificate.

4.3 Section 35 of the Firearms Act 1968 specifies the fee to be paid for registration as a firearms dealer.

4.4 Section 11(3) of the Firearms (Amendment) Act 1988 specifies the fees to be paid for the co-terminous grant or renewal of a firearm or shot gun certificate.

4.5 Section 17(8) of the Firearms (Amendment) Act 1988 specifies the fees to be paid for the grant of visitors' permits.

5. Territorial Extent and Application

5.1 This instrument applies to England, Wales and Scotland.

¹ The term 'coterminous' refers to when both a firearm and shot gun certificate expire at the same time.

6. European Convention on Human Rights

6.1 The Minister for Crime Prevention, Lynne Featherstone, has made the following statement regarding Human Rights:

6.2 In my view the provisions of The Firearms (Variation of Fees) Order 2015 are compatible with the Convention rights.

7. Policy background

- What is being done and why

7.1 This instrument amends the fees charged by the police for administering the firearms licensing process. These licensing fees have not changed since 2001.

7.2 The Home Affairs Committee recommended in its Report on Firearms Control 2010 that the firearms licensing fees be reviewed.

7.3 A Fees Working Group (consisting of representatives from the police, shooting membership organisations and other Government departments) was established to review the firearms licensing process, including the licensing fees.

7.4 Following a public consultation on the proposed firearms licensing fee increases, the Government decided to implement the fees as set out in the instrument.

- Consolidation

7.5 There are no immediate plans for consolidation, given that this instrument amends primary legislation.

7.6 The Law Commission will commence a review of firearms legislation in April 2015. Preparatory work was commenced in January.

8. Consultation outcome

8.1 A public consultation on the proposed increase in firearms licensing fees was held between 27 November and 29 December 2014.

8.2 Due to the level of prior engagement that the Home Office had with the police and shooting representative organisations through the Fees Working Group it was deemed appropriate for the public consultation to be open for four weeks.

8.3 11,810 online responses and 21 responses by email were received to the consultation. 86% of respondents identified themselves as firearms owners.

8.4 The majority of responses (73%) agreed that there should be an increase to the fees, with 49% strongly agreeing and 24% tending to agree.

8.5 Approximately a quarter of respondents did not agree that there should be an increase, with 18% strongly disagreeing and 6% tending to disagree.

8.6 The Government's response to the consultation has been published on the GOV.UK website.

9. Guidance

9.1 A Home Office circular will be published and the Home Office Guide on Firearms Licensing Law will be updated. Both documents will be made available on the GOV.UK website.

10. Impact

10.1 The impact on business (registered firearms dealers) will be an increase in the licensing fees charged by the police for the grant, renewal or variation of a firearm or shot gun certificate; including the co-terminous grant or renewal thereof, registration as a Registered Firearms Dealer, and, the grant of a British Visitors Permit.

10.2 The impact on the public sector will be the accrual of additional revenue from the increased firearms licensing fees for the service the police provide to the public for administering firearms licence applications.

10.3 An Impact Assessment has been prepared for this instrument and is attached.

11. Regulating small business

11.1 The legislation applies to small businesses.

11.2 Small businesses (which include individuals working as registered firearms dealers, farmers, and gamekeepers), were represented by their representative member of recognised shooting organisations as part of the Fees Working Group.

11.3 The public consultation on firearms licensing fees enabled such individuals, along with others, to respond directly with their views.

12. Monitoring & review

12.1 The Fees Working Group (consisting of representatives from the police, shooting membership organisations and other Government departments) will be asked to reconvene to oversee the review of firearms licensing fees on an annual basis.

12.2 A more comprehensive review will be conducted every five years to look at the processes and wider framework of the firearms licensing process and a decision will be taken whether the proposals from this review should go out for public consultation.

13. Contact

Sam Darby at the Home Office Tel: 0207 035 3273 or email: Samantha.Darby1@homeoffice.gsi.gov.uk can answer any queries regarding the instrument.