

2015 No. 860

ARMS AND AMMUNITION

The Firearms Regulations 2015

Made - - - - *23rd March 2015*

Laid before Parliament *25th March 2015*

Coming into force - - *16th April 2015*

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

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Firearms Regulations 2015 and come into force on 16th April 2015.

(2) Regulation 2 extends to England and Wales and Scotland.

(3) Regulation 3 extends to Northern Ireland.

Amendments to the Firearms (Amendment) Act 1997 and transitional provision

2.—(1) Section 39 of the Firearms (Amendment) Act 1997^(c) (register of holders of shot gun and firearm certificates) is amended as follows.

(2) For the heading, substitute “Computerised register of firearms and shot guns and their holders”.

(3) In subsection (1) the words following “of” become paragraph (a) and at the end of that paragraph insert—

“; and

(b) each firearm to which a firearm certificate or a shot gun certificate relates”.

(4) For subsection (2) substitute—

“(2) The register shall—

(a) record a suitable identifying number for each person to whom a certificate is issued;

(b) be kept by means of a computer which provides access on-line to all police forces;

(c) record for each firearm to which a firearm certificate or a shot gun certificate relates—

(a) S.I. 1991/755, to which there are amendments not relevant to these Regulations.

(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 by section 3(3) of, and Part 1 of Schedule 1 to, the European Union (Amendment) Act 2008 (c. 7).

(c) 1997 c. 5.

- (i) the type, make, model, calibre and serial number of the firearm;
 - (ii) the name and address of the holder of the certificate who acquires or possesses the firearm;
 - (iii) the name and address of the person from whom the holder of that certificate purchased or acquired the firearm; and
 - (iv) where the holder of that certificate sells or transfers the firearm, the name and address of the person to whom it is sold or transferred; and
- (d) be structured so as to ensure that such records are maintained for not less than twenty years beginning with the date that they are first entered onto the register.

(3) For the purposes of this section a firearm certificate or shot gun certificate does not relate to a firearm solely because it authorises the purchase or acquisition of the firearm by the holder of the certificate, if the holder of the certificate has not purchased or acquired the firearm.

(4) In subsection (2)(c)(iii) and (iv) “name and address” means name and address at the time of the purchase, acquisition, sale or transfer.”.

(5) Section 39(2)(c)(iii) of the Firearms (Amendment) Act 1997 as substituted by this regulation does not apply where the firearm was purchased or acquired before the coming into force of these Regulations.

Amendments to the Firearms (Northern Ireland) Order 2004

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

(2) In Article 30(1) for “may, if the certificate has expired, and shall, if it has been revoked,” substitute “shall”.

(3) In Article 38—

(a) after paragraph (1)(a) omit—

“and”

(b) after paragraph (1)(b) insert—

“; and

(c) send a copy of the record of each transaction involving a firearm within 72 hours of the transaction to the Chief Constable.”.

(c) after paragraph (6) insert—

“(6A) A person who fails to comply with paragraph (1)(c) shall be guilty of an offence.”;

(d) in paragraph (7)(a) after “any” insert “other”.

(4) After Article 38 insert—

“Recording of transactions in firearms by Chief Constable

38A.—(1) This Article applies where the Chief Constable receives a copy of a record of a transaction involving a firearm in accordance with Article 38(2)(a).

(2) The Chief Constable must keep a record which includes the following information—

(a) a description of the firearm which includes the matters mentioned in paragraph 6(a) to (d) of Schedule 3;

(b) the names and addresses of the seller or transferor and the purchaser or transferee.

(3) The record mentioned in paragraph (2) must be kept—

(a) on a computerised data filing system;

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

- (b) for a period of not less than 20 years from the date of the transaction.”
- (5) In Schedule 3 after paragraph 5 insert—
- “6. References in paragraphs 1 to 5 to a description of a firearm include—
- (a) the make and type or distinctive name of the firearm;
 - (b) the model;
 - (c) the calibre; and
 - (d) the serial number.”
- (6) In Schedule 5 after the entry relating to Article 37(5) insert—
- “Article 38(6A) /Failure to send copy of record of transaction to the Chief Constable/Summary/3 months or level 5 or both”.

Home Office
23rd March 2015

Lynne Featherstone
Minister of State

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Firearms (Amendment) Act 1997 (“the Act”) and the Firearms (Northern Ireland) Order 2004 (“the 2004 Order”) in order to complete the implementation in the United Kingdom of Directive 2008/51/EC of the European Parliament and the Council of 21st May 2008 on control of the acquisition and possession of weapons (OJ No. L 179, 8.7.08, p5) which amends Directive 91/477/EEC of 18th June 1991.

Regulation 2 of these Regulations amends section 39 of the Act (register of holders of shot gun and firearm certificates) to ensure that information about each firearm to which a firearm certificate or a shot gun certificate relates is recorded on a computerised register, along with details of persons who purchase, possess, acquire, sell or transfer such firearms. Section 39 is also amended to ensure that such records are maintained for at least twenty years from the date that this information is entered onto the register and the heading is amended to reflect the new provisions.

Regulation 3 of these Regulations amends Articles 30 and 38 of and Schedules 3 and 5 to the 2004 Order as follows: (a) Article 30(1) (consequences of expiration or revocation of firearms dealer’s certificate) is amended to ensure that once a firearms dealer’s certificate has expired or is revoked, he must deliver his record of transactions (register) to the national authority responsible for the electronic filing system, which, in Northern Ireland, is the Chief Constable; (b) Article 38 (record of transactions in firearms) is extended to ensure that firearms dealers provide a copy of each transaction involving a firearm to the Chief Constable in a timely manner; (c) Article 38A (record of transactions in firearms by Chief Constable) is inserted to ensure that the Chief Constable is responsible for keeping a centralised electronic data-filing system for at least 20 years; (d) Schedule 3 is amended to ensure that firearms dealers record adequate information about each transaction involving a firearm to provide to the Chief Constable; and (e) Article 38(6A) is inserted and Schedule 5 is amended to make it an offence for a firearms dealer to fail to send a copy of their record of each transaction involving a firearm to the Chief Constable within 72 hours of the transaction.

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