
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.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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.