

**EXPLANATORY MEMORANDUM TO  
THE FIREARMS REGULATIONS 2019**

**2019 No. 1420**

**1. Introduction**

1.1 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 this instrument is to introduce changes to the controls on firearms relating to:

- the notification of deactivated firearms held in the United Kingdom and their transfer; and
- in Northern Ireland, the storage of firearms in the possession of persons under the age of 18, the recording and retention of certain information relating to firearms, and requirements relating to the recording by firearms dealers of the markings on firearms and their essential component parts through amendments to the Firearms (Northern Ireland) Order 2004.

2.2 These changes are being made in order to implement the requirements of Directive (EU) 2017/853 of the European Parliament and of the Council of 17 May 2017 amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons.

2.3 On 23 June 2016, the EU referendum took place and the people of the United Kingdom voted to leave the European Union. Until exit negotiations are concluded, the UK remains a full member of the European Union and all the rights and obligations of EU membership remain in force. During this period the Government will continue to negotiate, implement and apply EU legislation. The outcome of these negotiations will determine what arrangements apply in relation to EU legislation in future once the UK has left the EU.

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

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

3.1 None.

*Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)*

3.2 As the instrument is subject to negative resolution procedure, there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

**4. Extent and Territorial Application**

4.1 The territorial extent of this instrument is England and Wales, Scotland and Northern Ireland in respect of the provisions relating to the deactivated firearms and Northern

Ireland only, in respect of the amendments to the Firearms (Northern Ireland) Order 2004.

## **5. European Convention on Human Rights**

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

## **6. Legislative Context**

- 6.1 This instrument is made under section 2(2) of the European Communities Act 1972 in order to implement amendments to Council Directive 91/477/EEC (“the 1991 Directive”) made by Directive (EU) 2017/853 (“the 2017 Directive”).
- 6.2 This instrument implements Article 8 of the 1991 Directive in respect of the United Kingdom. Article 8 makes firearms classified in Category C in Part II of Annex I to the 1991 Directive subject to notification requirements to a competent national authority. By virtue of Article 1(19) of the 2017 Directive, amending Part II of Annex I, firearms deactivated in accordance with prescribed technical specifications are now classified as Category C firearms. This instrument ensures such firearms are notified in accordance with Article 8.
- 6.3 This instrument also makes amendments to the Firearms (Northern Ireland) Order 2004 in order to implement amendments made by the 2017 Directive to Articles 4 and 5 of the 1991 Directive. The amendments to Article 4 extend the requirements in the 1991 Directive relating to the marking of firearms and their component parts and amend the particulars to be recorded relating to firearms and the manner by which a record must be kept.
- 6.4 The amendment made to Article 5, which restricts the acquisition and possession of firearms by persons under the age of 18 unless responsibility for the firearm’s secure storage is assumed by a parent or an adult who holds a valid firearm certificate, is also implemented through this instrument.
- 6.5 The amendments to Articles 4 and 5 of the 1991 Directive are implemented in respect of England and Wales and Scotland by the Firearms (Amendment) (No.2) Rules 2019.

## **7. Policy background**

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

- 7.1 The changes being made through these Regulations in respect of deactivated firearms and amendments to the Firearms (Northern Ireland) Order 2004 are required for the purposes of implementing the 2017 Directive.
- 7.2 This instrument implements the changes required in respect of the notification to a competent authority of deactivated firearms arising from the 2017 Directive in the United Kingdom. It also makes other changes necessary in Northern Ireland arising from the requirements of the 2017 Directive. These latter changes are being made in England, Wales and Scotland through the Firearms (Amendment) (No. 2) Rules 2019, which make the necessary changes to the Firearms Rules 1998.
- 7.3 The existing controls on firearms in the United Kingdom are strict and the United Kingdom is mostly compliant with the amendments made by the 2017 Directive through existing legislation and administrative practices. The measures that are now being implemented through these Regulations have not been implemented before now

while the Government has been exploring the extent of the measures needed for implementation, including in discussion with representatives of UK police forces, in the light of the extensive nature of our existing controls on firearms.

**8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union**

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 There are currently no plans to consolidate the relevant legislation.

**10. Consultation outcome**

10.1 A formal consultation has not been carried out in relation to this instrument which gives effect to the United Kingdom's legal obligations arising from EU legislation, although there has been informal discussions with relevant parties who will be affected by these changes.

**11. Guidance**

11.1 Guidance on the process for notifying a deactivated firearm will be included as part of the firearms pages on gov.uk before this instrument comes into force.

**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 An Impact Assessment has not been prepared for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

**13. Regulating small business**

13.1 The legislation applies to activities that are undertaken by small businesses.

13.2 No specific action is proposed to minimise regulatory burdens on small businesses.

13.3 The basis for the final decision on what action to take to assist small businesses is the fact that this legislation will have a minimal impact on small businesses due to it only making minor updates to existing regulatory standards.

**14. Monitoring & review**

14.1 The Regulations do not include a statutory review clause.

**15. Contact**

15.1 Graham Widdecombe at the Home Office Telephone: 0207 035 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 Nick Hunt, Head of Serious Violence Unit at the Home Office can confirm that this Explanatory Memorandum meets the required standard.

15.3 Kit Malthouse MP, Minister for Crime, Policing and the Fire Service at the Home Office, can confirm that this Explanatory Memorandum meets the required standard.