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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations bring into force section 126 of the Policing and Crime Act 2017 (c. 3) (“the Act”), in so far as it is not already in force, and make transitional provision.

Regulation 2 provides that section 126 of the Act will come into force, in so far as it is not already in force, on commencement day. Section 126 of the Act amends section 58 of the Firearms Act 1968 (c. 27) (“the 1968 Act”) to introduce a statutory definition of an “antique firearm” and make provision in respect of offences which may be committed when a person is in possession of an antique firearm. It also sets out transitional arrangements for any firearms that will no longer fall within the definition of an antique firearm (a “former antique firearm”).

Regulation 3 makes further transitional provision in relation to persons who have continued possession of a former antique firearm. Regulation 3(2) and (3) allow a person who has applied, before the end of the transitional period, for a firearms or shotgun certificate or to vary such a certificate, a museums firearms licence or to vary such a licence, or to be a registered firearms dealer (as the case may be) to possess a former antique firearm pending the outcome of the application and any applicable appeal. Regulation 3(4) authorises a firearms dealer who has applied for a section 5 authority under the 1968 Act, before the end of the transitional period, to possess the former antique firearm pending the outcome of the application.

Regulation 4 makes transitional provision in respect of the sale or transfer of former antique firearms during the transitional period, by a person who has continued possession (“the transferor”) to another person (“the transferee”). Regulation 4(2) provides that where a transferee, other than a firearms dealer, transfers a former antique firearm to another person during the transitional period, they will benefit from the transitional provisions in respect of the transfer as though they were the original transferor and transferee respectively. Regulations 4(3) and (4) allows a transferor to lawfully possess, transfer or sell a former antique firearm to a transferee without holding a firearms or shotgun certificate, section 5 authority or registration as a firearms dealer (as the case may be) provided the transfer takes place during the transitional period.

Regulation 4(5) authorises a transferee, other than a firearms dealer, to possess, purchase or acquire a former antique firearm during the transitional period without a section 5 authority.

Regulation 4(6) and (7) allow a transferee who has applied, before the end of the transitional period, for a firearms or shot gun certificate or a museum's licence or to vary such a certificate or licence (as the case may be) to lawfully possess, purchase or acquire a former antique firearm without a firearm or shotgun certificate pending the outcome of the application and any applicable appeal. Regulation 4(8) provides that an application for a firearm or shot gun certificate made by the transferee during the transitional period may not be refused on the ground that the person does not have good reason to possess the former antique firearm.

**Changes to legislation:**

There are currently no known outstanding effects for the The Policing and Crime Act 2017 (Commencement No. 11 and Transitional Provisions) Regulations 2021.