

2021 No. 282 (C. 8)

ARMS AND AMMUNITION

**The Policing and Crime Act 2017 (Commencement No. 11 and
Transitional Provisions) Regulations 2021**

Made - - - -

9th March 2021

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 183(1), (9) and (13) of the Policing and Crime Act 2017(a).

Citation, interpretation and extent

1.—(1) These Regulations may be cited as the Policing and Crime Act 2017 (Commencement No. 11 and Transitional Provisions) Regulations 2021.

(2) In these Regulations—

“the 1968 Act” means the Firearms Act 1968(b);

“the 1988 Act” means the Firearms (Amendment) Act 1988(c);

“the commencement date” means 22nd March 2021;

“the transitional period” means the period of six months beginning with the commencement date.

(3) These Regulations extend to England and Wales and Scotland.

Commencement of section 126 of the Policing and Crime Act 2017

2. Section 126 of the Policing and Crime Act 2017 (Firearms Act 1968: meaning of “antique firearm”) comes into force, insofar as it is not already in force, on the commencement date.

Transitional provision in respect of possession of former antique firearms

3.—(1) Paragraphs (2) to (4) apply where—

(a) immediately before the commencement date a person possesses a firearm that is an antique firearm for the purpose of section 58(2) of the 1968 Act(d), and

(b) in consequence of the coming into force of section 126 of the Policing and Crime Act 2017, the firearm ceases to be an antique firearm for those purposes.

(2) Section 1(1)(a) of the 1968 Act does not apply in relation to the possession of the firearm—

(a) by the person where—

(a) 2017 c. 3.

(b) 1968 c. 27.

(c) 1988 c. 45.

(d) Section 58(2) was amended by section 110(2) of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12) (“the 2014 Act”).

- (i) the person has applied before the end of the transitional period for a firearm certificate under section 26A of the 1968 Act(a) or to vary such a certificate under section 29 of the 1968 Act(b), and
 - (ii) either that application is still being processed or any appeal in respect of it has not been determined;
- (b) by the persons responsible for the management of a museum and their servants, where—
- (i) in respect of that museum an application has been made before the end of the transitional period for a museum firearms licence or to vary such a licence under the Schedule to the 1988 Act(c), and
 - (ii) that application is still being processed;
- (c) by the person or their servants where—
- (i) the person has applied before the end of the transitional period to register as a firearms dealer under section 33 of the 1968 Act(d), and
 - (ii) either that application is still being processed or any appeal in respect of it has not been determined.
- (3) Section 2(1) of the 1968 Act does not apply in relation to the possession of the firearm—
- (a) by the person where—
- (i) the person has applied before the end of the transitional period for a shot gun certificate under section 26B of the 1968 Act(e), and
 - (ii) either that application is still being processed or any appeal in respect of it has not been determined;
- (b) by the persons responsible for the management of a museum and their servants where—
- (i) in respect of that museum an application has been made before the end of the transitional period for a museum firearms licence or to vary such a licence under the Schedule to the 1988 Act, and
 - (ii) that application is still being processed;
- (c) by the person or their servants where—
- (i) the person has applied before the end of the transitional period to register as a firearms dealer under the 1968 Act, and
 - (ii) either that application is still being processed or any appeal in respect of it has not been determined.
- (4) Section 5(1), (1A) and (2A)(c) of the 1968 Act(f) does not apply in relation to the possession of the firearm by the person where the person—
- (a) carries on a business as a firearms dealer(g) and possesses the firearm for the purposes of the business, and
 - (b) has applied for authorisation of the Secretary of State or the Scottish Ministers in accordance with section 5 of the 1968 Act before the end of the transitional period and that application is still being processed.

(a) Section 26A was inserted by section 37 of the Firearms (Amendment) Act 1997 (c. 5) (“the 1997 Act”).

(b) Section 29 was amended by paragraph 2(2) of Schedule 2 to the 1997 Act.

(c) The Schedule was amended by section 47 of the 1997 Act and S.I. 1999/1750.

(d) Section 33 was amended by section 13(1) of the Firearms (Amendment) Act 1988 (c. 45) (“the 1988 Act”) and section 42(2) of the 1997 Act.

(e) Section 26B was inserted by section 37 of the 1997 Act.

(f) Section 5 was amended by section 1(2) and (3) of the 1988 Act; section 1 of, and Schedule 3 to, the 1997 Act; sections 1 and 2(7) of, and the Schedule to, the Firearms (Amendment) (No 2) Act 1997 (c. 64); sections 108(2) to (4), (9) and 109(1) of the 2014 Act; section 129(2) of the Policing and Crime Act 2017; section 54(1) to (4) of the Offensive Weapons Act 2019 (c. 17) and S.I. 1992/2823.

(g) “firearms dealer” is defined in section 57(4) of the Firearms Act 1968 (c. 27).

Transitional provision in respect of transfer of former antique firearms

4.—(1) Paragraphs (3) to (8) apply where—

- (a) immediately before the commencement date a person possesses a firearm that is an antique firearm for the purpose of section 58(2) of the 1968 Act;
- (b) in consequence of the coming into force of section 126 of the Policing and Crime Act 2017, the firearm ceases to be an antique firearm for those purposes, and
- (c) the person (“the transferor”) sells or transfers the firearm to another person (“the transferee”) during the transitional period.

(2) Where the transferee in paragraph 1(c) (“A”) sells or transfers the firearm to another person (“B”) during the transitional period, paragraphs (3) to (8) apply in respect of that transfer as if A were the transferor and B were the transferee unless A carries on a business as a firearms dealer and the sale or transfer is for the purposes of the business.

(3) Sections 1(1)(a), 2(1), 3(1)(b), 5(1) and (2A)(c) of the 1968 Act do not apply in relation to the possession of the firearm—

- (a) by the transferor;
- (b) by the persons responsible for the museum’s management or their servants, where the transferor is a museum to which the Schedule to the 1988 Act applies, or
- (c) by the servants of the transferor, where the transferor carries on the business of a firearms dealer and is registered as such under the 1968 Act.

(4) Sections 3(1)(a), (b) and (2), and 5(2A)(b) of the 1968 Act do not apply in relation to the sale or transfer of the firearm—

- (a) by the transferor;
- (b) by the persons responsible for the museum’s management or their servants, where the transferor is a museum to which the Schedule to the 1988 Act applies, or
- (c) by the servants of the transferor, where the transferor carries on the business of a firearms dealer and is registered as such under the 1968 Act.

(5) Section 5 of the 1968 Act does not apply in relation to the possession, purchase or acquisition of the firearm by the transferee unless—

- (a) the transferee carries on a business as a firearms dealer, and
- (b) the firearm is in his or her possession or is purchased or acquired for the purposes of the business.

(6) Section 1(1)(a) of the 1968 Act does not apply in relation to the possession, purchase or acquisition of the firearm—

- (a) by the transferee, where—
 - (i) the transferee has applied before the end of the transitional period for a firearm certificate in relation to the possession of the firearm under section 26A of the 1968 Act or to vary such a certificate under section 29 of the 1968 Act, and
 - (ii) either that application is still being processed or any appeal in respect of it has not been determined, or
- (b) by the persons responsible for the management of a museum and their servants where—
 - (i) an application has been made in respect of that museum before the end of the transitional period for a museums firearms licence or to vary such a licence under the Schedule to the 1988 Act, and
 - (ii) that application is still being processed.

(7) Section 2(1) of the 1968 Act does not apply in relation to the possession, purchase or acquisition of the firearm—

- (a) by the transferee, where—

- (i) the transferee has applied before the end of the transitional period for a shot gun certificate in relation to the possession of the shot gun under section 26B of the 1968 Act, and
 - (ii) either that application is still being processed or any appeal in respect of it has not been determined, or
- (b) by the persons responsible for the management of a museum and their servants, where—
- (i) an application has been made in respect of that museum before the end of the transitional period for a museum firearms licence or to vary such a licence under the Schedule to the 1988 Act, and
 - (ii) that application is still being processed.

(8) Where the transferee makes an application during the transitional period for a firearm certificate under section 26A of the 1968 Act or to vary such a certificate under section 29 of the 1968 Act, or for a shot gun certificate under section 26B of that Act, the application may not be refused on the ground that the person does not have good reason for having the firearm in his or her possession.

Kit Malthouse
Minister of State
Home Office

9th March 2021

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.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Policing and Crime Act 2017 have been brought into force on the date specified by commencement Regulations made before these Regulations.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 1 to 5	3rd April 2017	2017/399
Section 6 (insofar as it was not already in force)	3rd April 2017	2017/399
Section 7	3rd April 2017	2017/399
Section 8 (insofar as it was not already in force)	17th July 2017	2017/726
Section 9(1) and (2)	1st April 2018	2018/227
Section 9(3) (partially)	1st March 2018	2018/227
Section 9(3) (partially)	22nd March 2018	2018/227
Section 9(3) (partially)	1st April 2018	2018/227
Section 10	1st March 2018	2018/227
Section 11(1) to (7) (insofar as it was not already in force)	17th July 2017	2017/726
Section 12	17th July 2017	2017/726
Section 13 (insofar as it was not already in force)	1st February 2020	2020/5
Section 14	1st February 2020	2020/5
Section 15 (insofar as it was not already in force)	1st February 2020	2020/5
Sections 16 and 17	1st February 2020	2020/5
Section 18 (insofar as it was not already in force)	1st February 2020	2020/5
Section 19	1st February 2020	2020/5
Sections 21 to 23	1st February 2020	2020/5
Section 24	18th July 2019	2019//1141
Sections 25 to 27 (insofar as they were not already in force)	16th April 2018	2018/456
Section 29(1) to (7) (insofar as it was not already in force)	15th December 2017	2017/1139 and 2017/1162
Section 29(8) (partially)	15th December 2017	2017/1139 and 2017/1162
Section 29(8) (insofar as it was not already in force)	1st February 2020	2020/5
Section 30 (insofar as it was not already in force)	15th December 2017	2017/1139 and 2017/1162
Section 31	1st February 2020	2020/5
Section 32 (insofar as it was not already in force)	3rd April 2017	2017/399
Section 33 (partially)	3rd April 2017	2017/399
Section 33(9) (partially)	17th July 2017	2017/726

Section 33 (insofar as it was not already in force)	8th January 2018	2017/1249
Section 34 (partially)	8th January 2018	2017/1249
Section 35	8th January 2018	2017/1249
Sections 36 and 37	2nd May 2017	2017/399
Sections 38 to 44 (insofar as they were not already in force)	15th December 2017	2017/1139 and 2017/1162
Section 45 (partially)	3rd April 2017	2017/399
Section 45 (insofar as it was not already in force)	15th December 2017	2017/1139 and 2017/1162
Section 46	1st December 2018	2017/1139
Sections 49 and 50	3rd April 2017	2017/399
Section 51 (partially)	3rd April 2017	2017/399
Sections 52 to 62	3rd April 2017	2017/399
Section 63 (insofar as it was not already in force)	3rd April 2017	2017/399
Sections 64 to 75	3rd April 2017	2017/399
Sections 77 to 79	3rd April 2017	2017/399
Sections 80 and 81 (insofar as they were not already in force)	11th December 2017	2017/1017
Sections 82 and 83	11th December 2017	2017/1017
Sections 84 to 95 (insofar as they were not already in force)	1st March 2018	2018/227
Sections 96 to 106 (insofar as they were not already in force)	1st March 2018	2018/227
Sections 116 to 119 (insofar as they were not already in force)	1st March 2018	2018/227
Sections 120 to 122	3rd April 2017	2017/399
Section 123	1st April 2018	2018/227
Section 124 (insofar as it was not already in force)	3rd April 2017	2017/399
Section 125 (insofar as it was not already in force)	2nd May 2017	2017/399
Sections 127 to 130	2nd May 2017	2017/399
Section 131	17th April 2018	2018/456
Section 132 (insofar as it was not already in force)	18th July 2019	2019/1141
Sections 133 and 134 (insofar as they were not already in force)	3rd April 2017	2017/399
Sections 135 to 140	6th April 2017	2017/399
Section 141	6th April 2018	2018/456
Sections 143 to 156 (insofar as they were not already in force)	1st April 2017	2017/482
Section 162	13th November 2017	2017/1017
Section 163	3rd April 2017	2017/399
Section 175	3rd April 2017	2017/399
Section 177 (insofar as it was not already in force)	3rd April 2017	2017/399
Section 178	3rd April 2017	2017/399
Schedule 1 (insofar as it was not already in force)	3rd April 2017	2017/399
Schedule 2 (partially)	1st March 2018	2018/227
Schedule 2 (partially)	22nd March 2018	2018/227
Schedule 2 (partially)	1st April 2018	2018/227

Schedule 3 (insofar as it was not already in force)	17th July 2017	2017/726
Schedule 4	1st February 2020	2020/5
Schedule 5	1st February 2020	2020/5
Schedule 7 (partially)	15th December 2017	2017/1139 and 2017/1162
Schedule 7 (insofar as it was not already in force)	1st February 2020	2020/5
Schedule 8 (insofar as it was not already in force)	15th December 2017	2017/1139 and 2017/1162
Schedule 9 (partially)	3rd April 2017	2017/399
Schedule 9 (partially)	17th July 2017	2017/726
Schedule 9 (insofar as it was not already in force)	8th January 2018	2017/1249
Schedules 10 and 11	15th December 2017	2017/1139 and 2017/1162
Schedule 12 (partially)	3rd April 2017	2017/399
Schedule 12 (insofar as it was not already in force)	15th December 2017	2017/1139
Schedule 13	1st December 2018	2018/1139
Schedule 14 (partially)	3rd April 2017	2017/399
Schedules 15 to 17	1st March 2018	2018/227

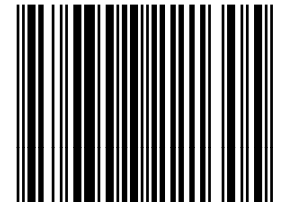
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