

EXPLANATORY MEMORANDUM TO

THE VIOLENT CRIME REDUCTION ACT 2006 (SPECIFICATION FOR IMITATION FIREARMS) REGULATIONS (NORTHERN IRELAND) 2024

2024 No. 312

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Northern Ireland Office and is laid before Parliament by Command of His Majesty
- 1.2 This memorandum contains information for the Joint Committee on Statutory Instruments. This instrument is made under powers conferred by paragraph 7(1) (a) and (8) of Schedule 2 to the Violent Crime Reduction Act 2006 and is subject to the negative resolution procedure.

2. Declaration

- 2.1 Steve Baker, Minister of State at the Northern Ireland Office confirms that this Explanatory Memorandum meets the required standard.
- 2.2 James Crawford, Deputy Director at the Northern Ireland Office confirms that this Explanatory Memorandum meets the required standard.

3. Contact

- 3.1 Ben Cottrell-Boyce at the Northern Ireland Office can be contacted with any queries regarding the instrument at Ben.CottrellBoyce@NIO.Gov.UK.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

- 4.1 This instrument prescribes the specifications that imitation firearms must conform to for importation into Northern Ireland. The purpose is to prevent imitation firearms from being converted into functioning firearms.

Where does the legislation extend to, and apply?

- 4.2 The territorial extent of this instrument extends to Northern Ireland only.
- 4.3 The territorial application of this instrument is limited to Northern Ireland.

5. Policy Context

What is being done and why?

- 5.1 The Violent Crime Reduction Act 2006 (Specification for Imitation Firearms) Regulations 2011 (S.I. 2011/1754) prescribe the specifications that imitation firearms imported into England and Wales, and Scotland, must conform to, pursuant to section 39(1) of the Violent Crime Reduction Act 2006 (“the 2006 Act”).
- 5.2 Under section 39(2) of the 2006 Act, a person is guilty of an offence if they: manufacture an imitation firearm which does not conform to the prescribed specifications; modify an imitation firearm so that it ceases to conform; modify a

firearm to create an imitation firearm that does not conform; or import an imitation firearm which does not so conform.

- 5.3 The Violent Crime Reduction Act 2006 (Specification for Imitation Firearms) Regulations 2011 sets out specifications for blank-firing imitation firearms and for blank firing imitation revolvers imported into England and Wales, and Scotland. There is an exemption for a person importing an imitation firearm which does not conform to the specifications, if their conduct is only for the purpose of making the imitation firearm available for specific purposes, including those of a museum or gallery, a theatrical performance, the production of films and television programmes, licensed historical re-enactments or the purposes of functions that a person has in their capacity as a person in the service of His Majesty.
- 5.4 Under the Violent Crime Reduction Act 2006 an offence is punishable, on summary conviction, with a maximum penalty of 51 weeks imprisonment or a £5,000 fine, or with both.
- 5.5 This legislation will set out the same specifications for blank firing imitation firearms and for blank firing imitation revolvers imported into Northern Ireland as in the Violent Crime Reduction Act 2006 (Specification for Imitation Firearms) Regulations 2011. This will deter imitation firearms from being converted easily into firearms as weapons imported into Northern Ireland will be required to comply with the technical specifications laid down. The Devolved Administration has already laid regulations requiring compliance with the same technical specifications for any imitation firearms manufactured in Northern Ireland under paragraph 7(1A)(a) and (6B) of the 2006 Act.

What was the previous policy, how is this different?

- 5.6 Previously these specifications have applied in regards to imports into England Wales and Scotland but not Northern Ireland. These regulations will ensure the same specifications are required to be met for imports of imitation firearms into Northern Ireland as currently required by the Violent Crime Reduction Act 2006 (Specification for Imitation Firearms) Regulations 2011 in the rest of the UK.

6. Legislative and Legal Context

How has the law changed?

- 6.1 The Violent Crime Reduction Act 2006 sets out the technical specifications that imitation firearms must conform to, in respect of England and Wales and Scotland. Schedule 2 paragraph 7 of that Act 2006 contains corresponding provisions for Northern Ireland. This legislation will enact those provisions, and align Northern Ireland with Violent Crime Reduction Act 2006 (Specification for Imitation Firearms) Regulations 2011 with regards to the specifications for imitation firearms imported into Northern Ireland.

Why was this approach taken to change the law?

- 6.2 This approach was envisaged in the enabling Act of this legislation, within schedule 2 of the Violent Crime Reduction Act 2006 and was the most efficient means of bringing about this change.

7. Consultation

Summary of consultation outcome and methodology

- 7.1 No public consultation has been undertaken in Northern Ireland. Under paragraph 7 of Schedule 2 of the Violent Crime Reduction Act 2006 the Secretary of State may by regulations make provision requiring imitation firearms to conform to specifications. This would suggest that the original intent was for the Act to be applicable to the whole of the United Kingdom as opposed to Great Britain only. It is our intention via this statutory instrument to ensure this is the case.
- 7.2 The specification was developed by the Home Office involving experts from the Proof Houses, the Forensic Science Service and the gun trade. It dealt with blank-firing guns, which are the biggest problem with converted imitations. It was a necessarily technical piece of work since it set out the materials and processes to be used in the construction of blank firers. Home Office officials also sought to achieve a balance between making conversion as difficult as possible but without making the specification so tight that manufacture became prohibitively expensive for the trade (blank-firers have legitimate uses such as dog training and race starting).
- 7.3 Though this issue did not require consultation, NIO officials have worked closely with officials from the Devolved Administration in the Department of Justice in developing these regulations.

8. Applicable Guidance

- 8.1 The Northern Ireland Office does not consider it necessary to issue guidance alongside this instrument. However, it is working with stakeholders to ensure they are aware of the Regulations.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

- 9.1 A full Impact Assessment has not been prepared for this instrument because there is no significant impact on business.
- 9.2 There is no, or no significant, impact on business, charities or voluntary bodies.
- 9.3 There is no, or no significant, impact on the public sector.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

- 10.1 The approach to monitoring this legislation is that it is to be monitored in the course of normal departmental business.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

- 11.1 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.

12. European Convention on Human Rights

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

13. The Relevant European Union Acts

- 13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 (“relevant European Union Acts”). It does however relate to the withdrawal of the United Kingdom from the European Union because it will ensure compliance with the requirements of Commission Implementing Directive (EU) 2019/69 on alarm and signal weapons under Council Directive 91/477/EEC.