

# Statutory Instrument 1992 No. 2823

## The Firearms Acts (Amendment) Regulations 1992

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STATUTORY INSTRUMENTS

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**1992 No. 2823**

### **ARMS AND AMMUNITION**

#### The Firearms Acts (Amendment) Regulations 1992

*Made* 11th November 1992

*Coming into force* 1st January 1993

Whereas a draft of these Regulations has been approved by resolution of each House of Parliament in pursuance of paragraph 2(2) of Schedule 2 to the European Communities Act 1972<sup>[1]</sup>.

Now, therefore, the Secretary of State, being a Minister designated<sup>[2]</sup> for the purposes of subsection (2) of section 2 of that Act in relation to measures relating to firearms and ammunition, in exercise of the powers conferred on him by that subsection, hereby makes the following Regulations:

#### **Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Firearms Acts (Amendment) Regulations 1992.

(2) These Regulations shall come into force on 1st January 1993.

(3) These Regulations do not extend to Northern Ireland.

### **Interpretation**

2. In these Regulations—

"the 1968 Act" means the Firearms Act 1968<sup>[3]</sup>; and

"the 1988 Act" means the Firearms (Amendment) Act 1988<sup>[4]</sup>.

### **Prohibited weapons and ammunition**

3.—(1) In section 5 of the 1968 Act (weapons subject to a general prohibition), after subsection (1) there shall be inserted the following subsection—

" (1A) Subject to section 5A of this Act, a person commits an offence if, without the authority of the Secretary of State, he has in his possession, or purchases or acquires, or sells or transfers—

(a) any firearm which is disguised as another object;

(b) any rocket or ammunition not falling within paragraph

(c) of subsection (1) of this section which consists in or incorporates a missile designed to explode on or immediately before impact and is for military use;

(c) any launcher or other projecting apparatus not falling within paragraph (ae) of that subsection which is designed to be used with any rocket or ammunition falling within paragraph (b) above or with ammunition which would fall within that paragraph but for its being ammunition falling within paragraph (c) of that subsection;

(d) any ammunition for military use which consists in or incorporates a missile designed so that a substance contained in the missile will ignite on or immediately before impact;

(e) any ammunition for military use which consists in or incorporates a missile designed, on account of its having a jacket and hard-core, to penetrate armour plating, armour screening or body armour;

(f) any ammunition which is designed to be used with a pistol and incorporates a missile designed or adapted to expand on impact;

(g) anything which is designed to be projected as a missile from any weapon and is designed to be, or has been, incorporated in—

(i) any ammunition falling within any of the preceding paragraphs; or

(ii) any ammunition which would fall within any of those paragraphs but for its being specified in subsection (1) of this section."

(2) In subsection (2) of that section (weapons and ammunition specified in subsection (1) to be referred to as "prohibited weapons" or "prohibited ammunition"), for "subsection (1) of this section" there shall be substituted "subsections (1) and (1A) of this section (including, in the case of ammunition, any missiles falling within subsection (1A)(g) of this section)".

(3) After subsection (6) of that section there shall be inserted the following subsection—

" (7) For the purposes of this section and section 5A of this

Act—

- (a) any rocket or ammunition which is designed to be capable of being used with a military weapon shall be taken to be for military use;
- (b) references to a missile designed so that a substance contained in the missile will ignite on or immediately before impact include references to any missile containing a substance that ignites on exposure to air; and
- (c) references to a missile's expanding on impact include references to its deforming in any predictable manner on or immediately after impact."

(4) After that section there shall be inserted the following section—

**"Exemptions from requirement of authority under s.5.**

**5A.—**(1) Subject to subsection (2) below, the authority of the Secretary of State shall not be required by virtue of subsection (1A) of section 5 of this Act for any person to have in his possession, or to purchase, acquire, sell or transfer, any prohibited weapon or ammunition if he is authorised by a certificate under this Act to possess, purchase or acquire that weapon or ammunition subject to a condition that he does so only for the purpose of its being kept or exhibited as part of a collection.

(2) No sale or transfer may be made under subsection (1) above except to a person who—  
(a) produces the authority of the Secretary of State under section 5 of this Act for his purchase or acquisition; or  
(b) shows that he is, under this section or a licence under the Schedule to the Firearms (Amendment) Act 1988 (museums etc.), entitled to make the purchase or acquisition without the authority of the Secretary of State.

(3) The authority of the Secretary of State shall not be required by virtue of subsection (1A) of section 5 of this Act for any person to have in his possession, or to purchase or acquire, any prohibited weapon or ammunition if his possession, purchase or acquisition is exclusively in connection with the carrying on of activities in respect of which—

- (a) that person; or
- (b) the person on whose behalf he has possession, or makes the purchase or acquisition,

is recognised, for the purposes of the law of another member State relating to firearms, as a collector of firearms or a body concerned in the cultural or historical aspects of weapons.

(4) The authority of the Secretary of State shall not be required by virtue of subsection (1A) of section 5 of this Act for any person to have in his possession, or to purchase or acquire, any expanding ammunition or the

missile for any such ammunition if—

- (a) he is authorised by a firearm certificate to possess, purchase or acquire ammunition which is designed to be used with a pistol; and
- (b) the certificate contains a condition prohibiting the use of expanding ammunition for purposes not authorised by the European weapons directive.

(5) The authority of the Secretary of State shall not be required by virtue of subsection (1A) of section 5 of this Act for any person to have in his possession any expanding ammunition or the missile for any such ammunition if—

- (a) he is entitled, under section 10 of this Act, to have a slaughtering instrument and the ammunition for it in his possession; and
- (b) the ammunition or missile in question is designed to be capable of being used with a slaughtering instrument.

(6) The authority of the Secretary of State shall not be required by virtue of subsection (1A) of section 5 of this Act for the sale or transfer of any expanding ammunition or the missile for any such ammunition to any person who produces a certificate by virtue of which he is authorised under subsection (4) above to purchase or acquire it without the authority of the Secretary of State.

(7) The authority of the Secretary of State shall not be required by virtue of subsection (1A) of section 5 of this Act for a person carrying on the business of a firearms dealer, or any servant of his, to have in his possession, or to purchase, acquire, sell or transfer, any expanding ammunition or the missile for any such ammunition if—

- (a) the person carrying on that business is registered as a firearms dealer subject to a condition which prohibits the purchase or acquisition of any such ammunition or missile except for the purpose of making sales or transfers to persons whose purchases or acquisitions are authorised by subsection (4) above or this subsection; and
- (b) the possession, purchase, acquisition, sale or transfer in question is in the ordinary course of that business.

(8) In this section—

- (a) references to expanding ammunition are references to any ammunition which is designed to be used with a pistol and incorporates a missile which is designed to expand on impact; and
- (b) references to the missile for any such ammunition are references to anything which, in relation to any such ammunition, falls within section 5(1A)(g) of this Act."

(5) In section 57 of the 1968 Act (interpretation), after subsection (4) there shall be inserted the following subsection—

" (4A) For the purposes of any reference in this Act to the use of any firearm or ammunition for a purpose not authorised by the European weapons directive, the directive shall be taken to authorise the use of a firearm or ammunition as or with a slaughtering instrument and the use of a firearm and ammunition—

- (a) for sporting purposes;
- (b) for the shooting of vermin, or, in the course of carrying on activities in connection with the management of any estate, of other wildlife; and
- (c) for competition purposes and target shooting outside competitions."

(6) In Part I of Schedule 6 to that Act (prosecution and punishment of offences), after the entry relating to section 5(1) there shall be inserted the following entry—

Section 5(1A)..	Possessing or distributing other prohibited weapons or ammunition	(a) Summary...	3 months or a fine of the statutory maximum; or both.	
		(b) On indictment	2 years or a fine; or both.	

#### Restrictions on minors

4.—(1) In section 22 of the 1968 Act (acquisition and possession of firearms by minors), after subsection (1) there shall be inserted the following subsection—

" (1A) Where a person under the age of eighteen is entitled, as the holder of a certificate under this Act, to have a firearm in his possession, it is an offence for that person to use that firearm for a purpose not authorised by the European weapons directive."

(2) In section 27 of that Act (special provision about firearm certificates), after subsection (1) there shall be inserted the following subsection—

" (1A) For the purposes of subsection (1) above a person under the age of eighteen shall be capable of having a good reason for having a firearm or ammunition in his possession, or for purchasing or acquiring it, only if he has no intention of using the firearm or ammunition, at any time before he attains the age of eighteen, for a purpose not authorised by the European weapons directive."

(3) In section 28 of that Act (special provision about shot gun certificates), after subsection (1B) there shall be inserted the following subsection—

" (1C) A person under the age of eighteen shall be regarded for the purposes of paragraph (b) of subsection (1A) above as not having a good reason for possessing, purchasing or acquiring a shot gun if it is his intention to use the shot gun, at any time before he attains the age of eighteen, for a purpose not authorised by the European weapons directive."

(4) In Part I of Schedule 6 to that Act (prosecution and punishment of offences), after the entry relating to section 22(1) there shall be inserted the following entry—

Section 22(1A)..	Person under 18 using certificated firearm for unauthorised purpose.	Summary...	3 months or a fine of level 5 on the standard scale; or both.	—
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#### **Documents for European purposes**

5.—(1) After section 32 of the 1968 Act there shall be inserted the following sections—

#### ***"Issue etc. in Great Britain of documents for European purposes.***

#### **Documents for European purposes.**

**32A.—**(1) Where a person is granted, or is the holder of, a certificate under this Act, he shall be entitled to be issued by the chief officer of police for the area in which he resides with—

- (a) a document ("a European firearms pass") containing the required particulars; and
- (b) a document stating that, for the purposes of Article 7 of the European weapons directive, the holder of the certificate has the agreement of the United Kingdom authorities, for so long as the certificate remains in force, to any purchase or acquisition by him in another member State of any firearm or ammunition to which the certificate relates;

and an application for the issue of a document falling within paragraph (a) or (b) above may be made at the same time as any application for a certificate the grant of which will entitle him to the issue of the document or subsequently while the certificate is in force.

(2) Where—

- (a) a person who resides in Great Britain is proposing to purchase or acquire any firearm or ammunition in another member State;
- (b) that person is not for the time being the holder of a certificate under this Act relating to that firearm or ammunition;
- (c) the firearm falls within category B for the purposes of Annex I to the European weapons directive or the ammunition is capable of being used with such a firearm; and
- (d) that person satisfies the chief officer of police for the area where he resides that he is not proposing to bring that firearm or ammunition into the United Kingdom,

the chief officer of police may, if he thinks fit, issue that person with a document stating that, for the purposes of Article 7 of the European weapons directive, that person has the agreement of the United Kingdom authorities to any purchase or acquisition by him in another member State of that firearm or ammunition.

(3) For the purposes of subsection (1) above the required particulars, in relation to a person issued with a European firearms pass, are—

- (a) particulars identifying that person;
- (b) particulars identifying every firearm which—
  - (i) that person has applied to have included in a European firearms pass;
  - and
  - (ii) is a firearm in relation to which a certificate granted to that person is for the time being in force;
- (c) a statement in relation to every firearm identified in the pass as to the category into which it falls for the purposes of Annex I to the European weapons directive;
- (d) the date of the issue of the pass and the period from its issue for which the pass is to be valid;
- (e) the statements required by paragraph (f) of Annex II to that directive (statements as to travel in the member States with the firearms identified in the pass).

(4) For the purposes of this section the particulars of the firearms to which a shot gun certificate relates which are to be contained in a European firearms pass by virtue of subsection (3)(b) above are—

- (a) a description of the shot guns to which that certificate relates; and
  - (b) any identification numbers specified in or entered on that certificate in pursuance of section 28(2A) of this Act or in consequence of any person's compliance, in accordance with section 4(2) of the Firearms (Amendment) Act 1988 (formalities on transfer of shot guns), with any instructions contained in the certificate;
- and, accordingly, references in this Act to a firearm identified in such a pass shall include references to any shot gun of a description specified in that pass.

(5) A European firearms pass shall contain space for the making of entries by persons authorised to do so under the law of any member State.

(6) The period specified in a European firearms pass as the period for which it is to be valid shall be whichever is the shorter of the following—

- (a) the period until the earliest time when a certificate relating to a firearm identified in the pass expires; and
- (b) the maximum period for the duration of that pass.

(7) For the purposes of subsection (6) above the maximum period for the duration of a European firearms pass is—

- (a) in the case of a pass identifying only a firearm or firearms stated in the pass to fall within category D for the purposes of Annex I to

the European weapons directive, ten years; and  
(b) in any other case, five years.

**Renewal of European firearms pass.**

**32B.—**(1) On an application for the renewal by a chief officer of police of a certificate under this Act relating to a firearm identified in a European firearms pass, the holder of the certificate may apply to the chief officer of police for the renewal of the pass.

(2) Where—

(a) a certificate relating to a firearm identified in a European firearms pass is to expire without being renewed; but

(b) a certificate relating to another firearm identified in that pass will continue in force after the other certificate expires,

the holder of the pass may apply to the chief officer of police for the area in which he resides for the renewal of the pass subject to the deletion of the reference to any firearm to which the expiring certificate relates.

(3) Where, on an application to a chief officer of police under subsection (1) or (2) above—

(a) the pass in question is produced to him; and

(b) a certificate relating to a firearm identified in the pass is renewed or will continue in force after the time when the pass would (apart from its renewal) have ceased to be valid,

he shall renew that pass, subject to any appropriate deletion, from that time for whichever is the shorter of the periods specified in section 32A(6)(a) and (b) of this Act.

(4) Where a European firearms pass ceases to be valid without being renewed under this section, the chief officer of police for the area in which the person to whom it was issued resides may, by notice in writing, require that person, within twenty-one days of the date of the notice, to surrender the pass to him.

(5) It is an offence for any person to fail to comply with a notice given to him under subsection (4) above.

**Variation, endorsement etc. of European documents.**

**32C.—**(1) Where—

(a) a certificate relating to a firearm identified in a European firearms pass or a certificate in respect of which an Article 7 authority has been issued is varied, revoked or cancelled under this Act;

(b) the Secretary of State gives notice that any European firearms pass needs to be modified by the addition or variation of any such statement as is mentioned in section 32A(3)(e) of this Act; or

(c) the holder of a European firearms pass applies to have particulars of another firearm

added to the pass,  
it shall be the duty of the chief officer of police for the area in which the holder of the pass or authority resides to make such variations of the pass or authority as are appropriate in consequence of the variation, revocation, cancellation, notice or application or, where appropriate, to cancel it.

(2) For the purpose of performing his duty under subsection (1) above the chief officer of police for the area in which any person who is or has been the holder of any certificate resides may, by notice in writing, require that person, within twenty-one days of the date of the notice, to produce or surrender to him any European firearms pass or Article 7 authority issued to that person.

(3) Where a person is for the time being the holder of an Article 7 authority issued under section 32A(2) of this Act by the chief officer of police for any area, the chief officer of police for that area may, if he thinks fit, at any time—

- (a) revoke that authority; and
- (b) by notice in writing require that person, within twenty-one days of the date of the notice, to surrender that authority to him.

(4) Where a firearm identified in a European firearms pass which is for the time being valid, is lost or stolen, the holder of the pass shall immediately—

- (a) inform the chief officer of police for the area in which he resides about the loss or theft; and
- (b) produce the pass to that chief officer for him to endorse particulars of that loss or theft on the pass.

(5) Where a firearm to which an endorsement under subsection (4) above relates is returned to the possession of the holder of the pass in question, the chief officer of police for the area in which that person resides may, on the production to him of that pass, make such further endorsement on that pass as may be appropriate.

(6) It is an offence for any person to fail to comply with a notice given to him under subsection (2) or (3) above or with any obligation imposed on him by virtue of subsection (4)(a) or (b) above.

(7) Any reference in this section to the variation of a certificate includes a reference to the making of any entry on a shot gun certificate in pursuance of the requirement under section 4(2) of the Firearms (Amendment) Act 1988 (formalities on transfer of shot guns) to comply with instructions contained in the certificate."

(2) In section 57(4) of the 1968 Act (interpretation)—

- (a) after the definition of "air weapon" there shall be inserted the

following definition—

"another member State" means a member State other than the United Kingdom, and "other member States" shall be construed accordingly;"

(b) after the definition of "area" there shall be inserted the following definition—

"Article 7 authority" means a document issued by virtue of section 32A(1)(b) or (2) of this Act;"

(c) before the definition of "firearms dealer" there shall be inserted the following definitions—

"European firearms pass" means a document to which the holder of a certificate under this Act is entitled by virtue of section 32A(1)(a) of this Act;

"European weapons directive" means the directive of the Council of the European Communities No. 91/477/EEC<sup>[5]</sup> (directive on the control of the acquisition and possession of weapons);" .

(3) In Part I of Schedule 6 to that Act (prosecution and punishment of offences), after the entry relating to section 30(4) there shall be inserted the following entries—

Section 32B(5)..	Failure to surrender expired European firearms pass.	Summary...	A fine of level 3 on the standard scale.	—
Section 32C(6)..	Failure to produce European firearms pass or Article 7 authority for variation or cancellation etc., failure to notify loss or theft of firearm identified in pass or to produce pass for endorsement	Summary	3 months or a fine of level 5 on the standard scale; or both.	—

#### **Purchase and acquisition of shot gun under visitor's permit**

6.—(1) In section 17 of the 1988 Act (visitors' permits), after subsection (1) there shall be inserted the following subsection—

" (1A) A visitor's shot gun permit shall not authorise the purchase or acquisition by any person of any shot gun with a magazine except where—

(a) that person is for the time being the holder of a licence granted, for the purposes of any order made under section 1 of the Import, Export and Customs Powers (Defence) Act 1939<sup>[6]</sup>, in respect of the exportation of that shot gun;

(b) the shot gun is to be exported from Great Britain to a place outside the member States without first being taken to another member State;

(c) the shot gun is acquired on terms which restrict that person's possession of the gun to the whole or a part of the period of his visit to Great Britain and preclude the removal of the gun from Great Britain; or

(d) the shot gun is purchased or acquired by that person exclusively in connection with the carrying on of activities in respect of which—

(i) that person; or

(ii) the person on whose behalf he makes the

purchase or acquisition, is recognised, for the purposes of the law of another member State relating to firearms, as a collector of firearms or a body concerned in the cultural or historical aspects of weapons."

Accordingly, in subsection (1) of that section, the words "(subject to subsection (1A) below)" shall be inserted after the word "and", in the second place where it occurs.

(2) After section 42 of the 1968 Act there shall be inserted the following sections—

**"Information as to transactions under visitors' permits.**

**42A.—**(1) A person who sells, lets on hire, gives or lends a shot gun with a magazine to another person who—

- (a) shows that he is entitled to purchase or acquire the weapon as the holder of a visitor's shot gun permit under section 17 of the Firearms (Amendment) Act 1988; but
- (b) fails to show that the purchase or acquisition falls within subsection (1A)(c) or (d) of that section (temporary acquisitions or purchases or acquisitions by collectors etc.) or that he resides outside the member States,

shall, within forty-eight hours of the transaction, send by registered post or the recorded delivery service notice of the transaction to the chief officer of police who granted that permit.

(2) A notice under subsection (1) above shall—

- (a) contain a description of the shot gun (giving the identification number if any);
- (b) state the nature of the transaction (giving the name of the person to whom the gun has been sold, let on hire, given or lent, his address in the member State where he resides and the number and place of issue of his passport, if any); and
- (c) set out the particulars of any licence granted for the purposes of an order made under section 1 of the Import, Export and Customs Powers (Defence) Act 1939 by virtue of which the transaction is authorised under section 17 of that Act of 1988.

(3) It is an offence for a person to fail to comply with this section."

(3) In Part I of Schedule 6 to the 1968 Act (prosecution and punishment of offences), after the entry relating to section 42 there shall be inserted the following entry—

Section 42A...	Failure to report transaction authorised by visitor's shot gun	Summary	3 months or a fine of level 5 on the standard scale; or both.	—
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	permit.			
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**Production of passes issued in other member States**

7.—(1) After subsection (3) of section 17 of the 1988 Act there shall be inserted the following subsection—

" (3A) No permit shall be granted under this section as respects any firearm unless—

(a) there is produced to the chief officer of police a document which—

(i) has been issued in another member State under provisions corresponding to the provisions of the principal Act for the issue of European firearms passes;

(ii) identifies that firearm as a firearm to which it relates; and

(iii) is for the time being valid;

(b) the applicant shows that the person specified in the application is a person who, by reason of his place of residence or any other circumstances, is not entitled to be issued with such a document in any of the other member States; or

(c) the applicant shows that the person specified in the application requires the permit exclusively in connection with the carrying on of activities in respect of which—

(i) that person; or

(ii) the person on whose behalf he is proposing to make use of the authorisation conferred by the permit,

is recognised, for the purposes of the law of another member State relating to firearms, as a collector of firearms or a body concerned in the cultural or historical aspects of weapons;"

and a chief officer of police who grants a permit under this section in a case where a document has been produced to him in pursuance of paragraph (a) above shall endorse on the document a statement which identifies the permit and the firearm to which it relates and briefly describes the effect of the permit."

(2) In section 48 of the 1968 Act (production of certificates), after subsection (1) there shall be inserted the following subsection—

" (1A) Where a person upon whom a demand has been made by a constable under subsection (1) above and whom the constable believes to be in possession of a firearm fails—

(a) to produce a firearm certificate or, as the case may be, a shot gun certificate;

(b) to show that he is a person who, by reason of his place of residence or any other circumstances, is not entitled to be issued with a document identifying that firearm under any of the provisions which in the other member States correspond to the provisions of this Act for the issue of European firearms passes; or

(c) to show that he is in possession of the firearm exclusively in connection with the carrying on of activities in respect of which, he or the person on whose behalf he has possession of the firearm, is recognised, for the purposes of the law of another member State relating to firearms, as a collector of firearms or a body concerned in the cultural or historical aspects of weapons,

the constable may demand from that person the production of a document which has been issued to that person in another member State under any such corresponding provisions, identifies that firearm as a firearm to which it relates and is for the time being valid."

(3) In subsection (2) of that section (power to seize firearm and demand name and address if certificate not produced), after the word "certificate", in the first place where it occurs, there shall be inserted "or document".

(4) After subsection (3) of section 48 of the 1968 Act there shall be inserted the following subsection—

" (4) It is an offence for a person who is in possession of a firearm to fail to comply with a demand under subsection (1A) above."

(5) In Part I of Schedule 6 to the 1968 Act (prosecution and punishment of offences), after the entry relating to section 48(3) there shall be inserted the following entry—

Section 48(4)..	Failure to produce firearms pass issued in another member State.	Summary...	A fine of level 3 on the standard scale.	—
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#### **Firearms acquired for export to another member State**

**8.—**(1) In section 18 of the 1988 Act (firearms acquired for export), after subsection (1) there shall be inserted the following subsection—

" (1A) A person shall not be entitled under subsection (1) above to purchase any firearm which falls within category B for the purposes of Annex I to the European weapons directive unless he—

(a) produces to the dealer from whom he purchases it a document which—

(i) has been issued under provisions which, in the member State where he resides, correspond to the provisions of the principal Act for the issue of Article 7 authorities; and

(ii) contains the prior agreement to the purchase of that firearm which is required by Article 7 of the European weapons directive;

(b) shows that he is purchasing the firearm exclusively in connection with the carrying on of activities in respect of which he, or the person on whose behalf he is

purchasing the firearm, is recognised, for the purposes of the law of another member State relating to firearms, as a collector of firearms or a body concerned in the cultural or historical aspects of weapons; or

(c) shows that he resides in the United Kingdom or outside the member States."

(2) In subsection (4) of that section (particulars of transaction involving a sale of a firearm for export which are to be entered in the register), at the end there shall be inserted "and, in a case where the transaction is one for the purposes of which a document such as is mentioned in subsection (1A)(a) above is required to be produced,

particulars of the agreement contained in that document."

(3) After subsection (5) of that section there shall be inserted the following subsection—

" (6) In the case of any failure to comply with subsection (2) above which is confined to the omission from a notice of the particulars of an agreement contained in a document such as is mentioned in subsection (1A)(a) above, subsection (5) above shall have effect as if for "six months" there were substituted "three months"."

#### **Purchase or acquisition of firearms in other member States**

**9.** After section 18 of the 1988 Act there shall be inserted the following section—

##### **"Purchase or acquisition of firearms in other member States.**

**18A.** enrule;

(1) Subject to subsections (2) and (3) below, where—

(a) a person who resides in Great Britain purchases or acquires a firearm in another member State; and

(b) that firearm is a firearm which falls within category C for the purposes of Annex I to the European weapons directive,

he shall, within fourteen days of the transaction, send notice of the transaction to the chief officer of police for the area where he resides.

(2) A person shall not be required to give notice under subsection (1) above of a transaction under which he acquires a firearm on terms which—

(a) restrict his possession of the firearm to the whole or a part of the period of a visit to the member State where the transaction takes place; and

(b) preclude the removal of the firearm from that member State.

(3) A person shall not be required to give notice under subsection (1) above of a transaction under which he purchases or acquires a firearm if—

(a) he is for the time being the holder of a certificate under the principal Act relating to that firearm and containing, in relation to that firearm, a condition that he may have the firearm in his possession only for the purpose of its being kept or exhibited as part of a collection; or

(b) he would, if in Great Britain, be authorised by virtue of a licence under the Schedule to this Act to have that firearm in his possession.

(4) A notice under subsection (1) above shall contain a description of the firearm (giving the identification number if any) and state the nature of the transaction and the name and address in Great Britain of the person giving the notice.

(5) A notice under subsection (1) above which is sent from a place in Great Britain shall be sent by registered

post or by the recorded delivery service and, in any other case, shall be sent in such manner as most closely corresponds to the use of registered post or the recorded delivery service.

(6) It is an offence for a person to fail to comply with this section; and that offence shall be punishable on summary conviction with imprisonment for a term not exceeding three months or a fine not exceeding level 5 on the standard scale or both."

#### **Exchange of information**

**10.—(1)** No obligation as to secrecy or other restriction upon the disclosure of information imposed by statute or otherwise shall preclude—

(a) the disclosure by the Secretary of State or an officer of his to the competent authorities of a member State other than the United Kingdom of any information which is required to be disclosed in pursuance of the directive of the Council of the European Communities No. 91/477/EEC<sup>[6]</sup> (directive on the control of the acquisition and possession of weapons); or

(b) the disclosure to the Secretary of State or any officer of his by a chief officer of police, or by any government department or officer of a government department, of any information required by the Secretary of State for the purpose of facilitating the communication or exchange of information in pursuance of that directive.

(2) The reference in paragraph (1) above to the competent authorities of a member State is a reference to the persons appointed by that member State to deal with the communication or exchange of information in pursuance of the directive mentioned in that paragraph.

*Kenneth Clarke*

One of Her Majesty's Principal Secretaries of State  
Home Office

11th November 1992

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#### **EXPLANATORY NOTE**

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

These Regulations (which are made under section 2(2) of the European Communities Act 1972, and are expressed to come into force on 1st January 1993) amend the Firearms Act 1968 ("the 1968 Act") and the Firearms (Amendment) Act 1988 for the purpose of implementing requirements of Council Directive No. 91/477/EEC (on the control of the acquisition and possession of weapons) (O.J. No. L256, 13.9.91, page 51) ("the Directive"). References in this note to articles, annexes and categories are references to articles of, and annexes to, the Directive, and to categories in Annex I.

*Regulation 3* makes the additional provision in the 1968 Act which is

necessary for the purpose of implementing the requirements of Article 6. The weapons and ammunition referred to in the regulation are classified as prohibited weapons and ammunition under section 5 of that Act, that is to say, in this instance, weapons and ammunition whose possession, purchase, acquisition, sale or transfer requires the authority of the Secretary of State. The regulation contains an exception for collectors and bodies recognised as being concerned with the cultural and historical aspects of weapons (hereafter in this note referred to as "collectors"), in light of their general exception from the Directive under Article 2.2. There is an exception for licensed slaughterers in respect of expanding ammunition for use with a slaughtering instrument. There is also an exception in respect of expanding pistol ammunition for persons whose firearm certificates limit its use to use for purposes authorised by the Directive ("the authorised purposes") that is to say use with a slaughtering instrument or for the purposes of sport, the shooting of vermin and, in connection with estate management, other wildlife, competition and target shooting outside competition. Registered firearms dealers whose certificates of registration enable them to do so may acquire such ammunition for sale or transfer to persons who fall within the exception.

*Regulation 4*, which makes the necessary additional provision in the 1968 Act for the purpose of implementing the requirements of Article 5, restricts the use of a firearm, by the holder of a firearm or shot gun certificate under the age of eighteen, to use for the authorised purposes. The regulation also provides that, where a person under eighteen applies for a firearm certificate, he is to be capable of having a good reason for possessing, purchasing or acquiring a firearm or ammunition only if he has no intention of using it for a purpose other than the authorised purposes. The regulation makes corresponding provision (which preserves the existing burden of proof on the chief officer of police to be satisfied that the applicant does not have a good reason before he can refuse a certificate) in respect of an application for a shot gun certificate. *Regulation 5* implements the requirements of Article 1.4 and Annex II by providing for the issue or renewal, on request, of a European Firearms Pass. The regulation also implements Article 7.1, insofar as it requires a resident of Great Britain to have the agreement of his domestic authorities to his purchase of a category B firearm, or ammunition for such a firearm, in another member State; it does this by providing for the issue of an authorisation which is referred to in the Regulations as an "Article 7 authority". In both cases the document in question is to be issued by the chief officer of police to a person who is granted or is the holder of a firearm or a shot gun certificate, as the case may be. However, there is provision also for the issue of an Article 7 authority to a person without a certificate who does not intend to bring the firearm or ammunition in question in to the United Kingdom.

*Regulation 6(1)* implements Article 9 insofar as it relates to the transfer of a shot gun which falls within category C to a person who is not resident in Great Britain. The effect of regulation 6(1) is that such a person may not purchase or acquire such a shot gun and remove it to another member State unless he has an export licence or falls wholly within the general exception for collectors. Paragraph (2) of regulation 6 implements the requirement in Article 8.2 that a seller, dealer or other transferor of a category C firearm to such a person must notify the domestic authorities (in this case the chief officer of police) of the transaction.

*Regulation 7(1)* implements the requirement in Article 12.1 that a vi

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Notes:

[1] 1972 c. 68. [back](#)

[2] The European Communities (Designation) (No. 2) Order 1991 (S.I. [1991/755](#)).  
[back](#)

[3] 1968 c. 27, as extended by the Firearms Act 1982 (c. 31) and amended and extended by the 1988 Act. [back](#)

[4] [1988 c. 45](#). [back](#)

[5] OJ No. L256, 13.9.91, p. 51. [back](#)

[6] 1939 c. 69. The current order is the Export of Goods (Control) Order 1991 (S.I. [1991/2666](#)). [back](#)

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