



Home Office

Antique Firearms

What do sellers and buyers need to know?

Introduction

The government is aware of the potential misuse of antique firearms for criminal activity and strengthened the law in July 2014 to address this issue. If you **buy or sell** antique firearms you need to be aware of changes in the law.

What are the changes?

On 14 July 2014, the firearms provisions in Section 110 of the Anti-Social Behaviour, Crime and Policing Act 2014 came into effect and extended the definition of a 'prohibited' person to include those with suspended sentences. The law has also been changed so that prohibited persons will no longer be able to possess antique firearms. Taken together, the changes made to the Firearms Act 1968 mean that a person who has served a term of imprisonment, or has received a suspended sentence, of at least three months and less than three years, cannot possess a firearm, including an air weapon or antique firearm or ammunition, for five years from the date of his release if imprisoned or if given a qualifying suspended sentence, from the second day after the date on which the suspended sentence was made. A person who has served a term of imprisonment of over three years can never possess a firearm, including an air weapon or antique firearm or ammunition. Please note that these provisions also apply to a person sentenced to youth custody, detention in a young offender's institute or a detention and training order. A prohibited person may apply to the Crown Court, or in Scotland, in accordance with Act of Sederunt to the sheriff for the prohibition to be lifted.

Possession of an antique firearm and ammunition during a period of prohibition is an offence under section 21(4) of the Firearms Act 1968 and attracts a maximum sentence of five years.

What is the impact of these changes for antique dealers and others who sell antique firearms?

If you sell antique firearms the law does not place a duty on you to find out whether a prospective buyer is subject to a section 21 prohibition. However, it is an offence under section 21(5) of the Firearms Act to sell, transfer, test, repair or prove, a firearm or ammunition for a person who you know or have reasonable grounds for believing to be a prohibited person. If you *suspect* that a buyer could be subject to the prohibition then you may wish to ask them to sign a section 21 declaration (see below). Furthermore, if you *know* that a buyer falls into this category you would commit a criminal offence under section 21(5) of the Act if you were to relinquish possession of an antique firearm to them.

As a seller is there anything I can do to protect myself?

Although not required in law, and if circumstances allow, you may wish to take some basic steps to identify buyers and bring the restrictions on the ownership of antique firearms to their attention. For example, you might consider asking new buyers or existing buyers who are not well known to you to provide details of their address and to sign a declaration confirming that they are not prohibited by the terms of section 21 from taking possession of the antique firearm they intend to purchase. You may also wish to include in such a declaration a confirmation that the firearm is being purchased solely as a curiosity or ornament and that the purchaser will not be using it for any other purpose unless they achieve the appropriate certification.

Background

Previously antique firearms held as 'curiosities' or 'ornaments' were exempt (under section 58(2)) from the licensing and restrictions of use provisions in the Firearms Act 1968. The word 'antique' and the phrase 'curiosity or ornament' are not defined in law but guidance can be found in Chapter 8 of the Home Office guide on firearms licensing law.

A person in possession of a particular firearm should be able to demonstrate to the satisfaction of the chief officer of police that it can be treated as an antique firearm and is not subject to certification purposes, although it would be for the prosecution to prove otherwise in any criminal proceedings. The Home Office guide lists examples of some types of old firearm which it suggests should be regarded as benefiting from the antiques exemption and others which should not. Since these lists are non-exhaustive, evidence of its antique status may also include an indication of a date of manufacture, details of technical obsolescence, or the lack of commercial availability of suitable ammunition.

If there is any indication that a firearm is to be used (that is, not held purely as a curiosity or ornament), it should not be regarded as an antique firearm for the purposes of the Firearms Act and normal certification procedures would apply.

For more information

You should contact your local police (dial 101) if you are concerned that someone is dealing in illegal firearms or owns an old firearm for criminal purposes.

An import licence will be required to import any firearm manufactured after 1899. Please email enquiries.ilb@bis.gsi.gov.uk for further advice.

If you intend exporting a firearm, further information is available from Business Innovation & Skills Export Control Organisation (BIS):
Eco.help@bis.gsi.gov.uk or ring: 0207 215 4594

The Home Office circular covering the changes during 2014 can be found at:
<https://www.gov.uk/government/collections/home-office-circulars-2014>

Legislation:

<http://www.legislation.gov.uk/ukpga/2014/12/part/8/enacted>

Home Office Guide to Firearms Licensing Law:

<https://www.gov.uk/government/publications/firearms-law-guidance-to-the-police-2012>