



Home Office

Proposals for implementing legislation to define antique firearms

Government consultation

This consultation begins on 19 October 2017

This consultation ends on 14 December 2017

About this consultation

- To:** This consultation is open to the public and also targeted at individuals, businesses and organisations whose activities are related to the antique firearms trade in England, Wales and Scotland.
- Duration:** From 19 October 2017 to 14 December 2017.
- Enquiries (including requests for the paper in an alternative format) to:** Tackling Crime Unit
5th floor, Fry Building
2 Marsham Street
London SW1P 4DF
- Email: firearmsconsultations@homeoffice.gsi.gov.uk
- How to respond:** Please submit your response by 14 December 2017 by -
- Completing the online form at:
<http://www.homeofficesurveys.homeoffice.gov.uk/s/GTEQL/>
 - Email to: firearmsconsultations@homeoffice.gsi.gov.uk
 - Post to:
Tackling Crime Unit
5th floor, Fry Building
2 Marsham Street
London SW1P 4DF
- Additional ways to respond:** Please contact the Tackling Crime Unit (as above) if you require information in any other format, such as Braille, large font or audio.

Contents

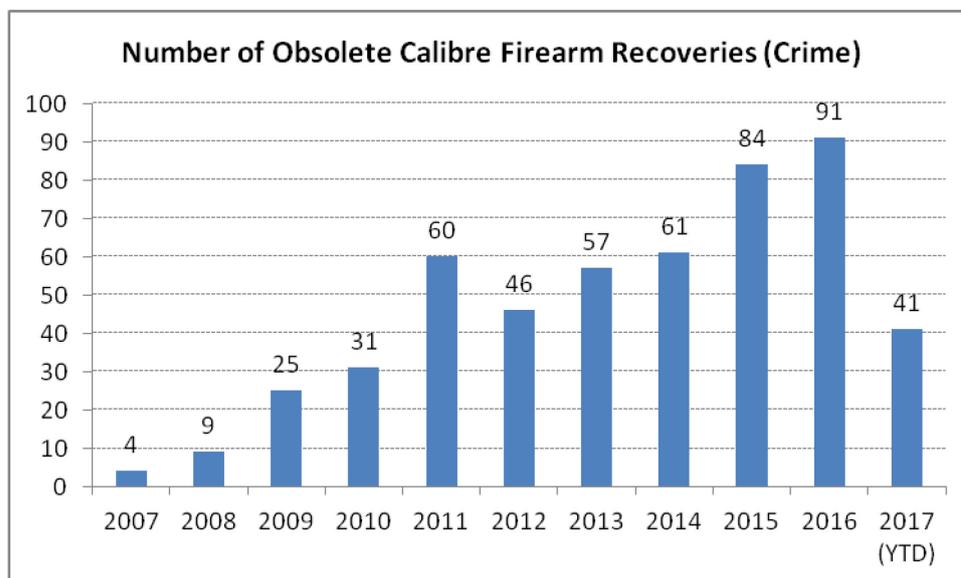
| | |
|---|----|
| Executive summary | 2 |
| Introduction | 5 |
| The proposals | 7 |
| A. Regulations to support the new statutory definition of an antique firearm. | 7 |
| B. Ongoing review and updating of the regulations. | 9 |
| Questionnaire | 11 |
| Section 1. Proposal A: Regulations to support the new statutory definition of an antique firearm. | 11 |
| Section 2. Proposal B: Ongoing review and updating of the regulations. | 13 |
| Section 3. About you: respondent's information | 14 |
| Section 4. Personal activities involving antique firearms | 15 |
| Section 5. Business and trade | 16 |
| Contact details and how to respond | 18 |
| Annexes | 20 |
| Annex 1. Home Office guidance on antique firearms | 20 |
| Annex 2. List of Obsolete Cartridges | 22 |
| Annex 3. List of Antique Air Weapons | 22 |
| Annex 4. Impact Assessment | 22 |
| Consultation principles | 23 |

Executive summary

Issue

1. In 2015 the Law Commission undertook an independent review of firearms legislation and published the report '*Firearms Law – Reforms to Address Pressing Problems*'.¹ The report made a number of recommendations to close legal loopholes identified as being exploited by criminals and posing a risk to public safety, including the absence of a legal definition of the term 'antique firearm' in the Firearms Act 1968.
2. Police forces have raised concerns that different interpretations of the term 'antique firearm' may have undesirable consequences, such as permitting the possession of an old but still functioning and dangerous weapon without controls. There is evidence that criminals take advantage of the absence of controls for antique firearms, while also sourcing ammunition that can be used with these weapons.
3. Between 2008 and 2016 four fatalities were linked to obsolete calibre firearms. The number of antique firearms recovered by law enforcement agencies in criminal circumstances has also increased over the same period (Fig.1). In more than half of these recoveries, ammunition capable of being used with the firearm was also present.

Figure 1. Antique firearms recovered in criminal circumstances each year.



Source: National Ballistics Intelligence Service (NABIS).

¹ www.lawcom.gov.uk/project/firearms/

Proposals

4. The Government made provision in the Policing and Crime Act 2017² to define an 'antique firearm' in the Firearms Act 1968 and to close the legal loophole identified by the Law Commission.
5. The provisions will clarify the law by enabling the Government to specify in regulations the lists of obsolete cartridges or propulsion systems of antique firearms to be covered by the definition. It is intended that these lists should be based on existing Home Office guidance on antique firearms³, which is already referred to by many collectors, dealers and law enforcement partners. Specifying these lists in regulations will provide greater certainty as to the legal status of a weapon for collectors, dealers, law enforcement and the courts.
6. In order that these regulations remain up to date and proportionate, the Government intends that they should be kept under regular review. To inform this review it is proposed to establish a new, non-statutory reference group which will meet at least once a year. The Government also envisages that the content of the regulations should be reviewed at least once every three years, and should only be amended if it is necessary and proportionate to do so.
7. This consultation therefore seeks views on the proposed lists, to ensure that these properly set out what should be considered to be an antique firearm. It also seeks views on the proposed process for subsequently reviewing the regulations. Finally, it gives effect to the Government's commitment to collect information on the antique firearms trade to inform a final impact assessment, which will be published alongside the regulations.
8. After considering the responses to this consultation, the Government intends to publish an analysis of these responses alongside final policy proposals, and to lay draft regulations which will be subject to the approval of Parliament through the affirmative procedure.

² <http://www.legislation.gov.uk/ukpga/2017/3/contents/enacted>

³ www.gov.uk/government/uploads/system/uploads/attachment_data/file/518193/Guidance_on_Firearms_Licensing_Law_April_2016_v20.pdf

Extent

9. The proposals relate to England, Wales and Scotland where antique firearms are exempt from the usual restrictions placed on firearms if they are sold, transferred, purchased, acquired or possessed 'as a curiosity or ornament' under section 58(2) of the Firearms Act 1968.⁴ The exemption does not apply in relation to a person who is banned from the possession of any firearm as a result of a previous conviction for a criminal offence.
10. Certificate requirements otherwise apply to firearms and shotguns which are subject to section 1 or 2 of the 1968 Act, and section 5 weapons are prohibited unless the authority of the Secretary of State has been obtained. The possession of firearms is subject to separate legislation in Northern Ireland.⁵ Owners and dealers are responsible for ensuring that they comply with the relevant laws or risk facing law enforcement action.
11. Although air weapons are exempt from certificate requirements, unless they are of a type declared 'specially dangerous' or are prohibited under section 5 of the 1968 Act⁶, restrictions apply on their sale and possession in England and Wales. The definition of an antique firearm will not cover antique air weapons in Scotland, where the regulation of air weapons has been devolved. The Air Weapons and Licensing (Scotland) Act 2015⁷ makes it an offence to have an air weapon without the required certificate or permit from 31 December 2016. The regulation of air weapons is also devolved in Northern Ireland.

⁴ www.legislation.gov.uk/ukpga/1968/27/contents

⁵ The Firearms (Northern Ireland) Order 2004 (www.legislation.gov.uk/nisi/2004/702/made)

⁶ www.legislation.gov.uk/uksi/1969/47/contents/made

⁷ www.legislation.gov.uk/asp/2015/10/contents

Introduction

This consultation seeks views on policy proposals for the:

- A. Regulations to support the new statutory definition of an antique firearm, and
- B. Ongoing review and updating of these regulations.

In addition, the consultation seeks information on the antique firearms trade and the potential impact of these policy proposals on individuals, businesses and the public sector.

The consultation is primarily aimed at residents, businesses and organisations located in England and Wales, as well as Scotland (except in relation to the regulation of air weapons, which is devolved in Scotland).

An Impact Assessment of the antique firearms provisions contained in the Policing and Crime Act 2017 identifies that there is currently insufficient information on the antique firearms trade to assess the potential impact of specific policy proposals on collectors and dealers; registered firearms dealers; law enforcement including regulators and criminal justice agencies. Further affected groups with an interest in this consultation may include museums and exhibitions or fairs; auctioneers; antique dealers, and any other businesses and services whose activities relate to the affected groups. The proposals are unlikely to affect charities or the voluntary sector.

Links to the Impact Assessment of the firearms provisions, including antique firearms, introduced by the Policing and Crime Act 2017 and the Regulatory Policy Committee's opinion are listed at Annex 4.

Copies of this consultation paper are being sent to professional bodies and representative groups including:

Association of Police and Crime Commissioners
British Antique Dealers Association
British Association for Shooting & Conservation
British Shooting Sports Council
Confederation of British Industry
College of Policing
Countryside Alliance
County Land and Business Association
Crown Office
Crown Prosecution Service
English Heritage
European Cartridge Research Association
Gun Control Network

Gun Trade Association
Her Majesty's Courts and Tribunals Service
Her Majesty's Revenue & Customs
Her Majesty's Inspectorate of Constabulary
Her Majesty's Inspectorate of Constabulary in Scotland
Heritage Arms Study Group
Historic Environment Scotland
Historical Breechloading Smallarms Association
Museums Association
Muzzle Loaders Association of Great Britain
National Association of Valuers and Auctioneers
National Auctioneers Association
National Ballistics Intelligence Service
National Crime Agency
National Museum Directors' Council
National Museums Scotland Director
National Police Chiefs' Council
National Rifle Association of GB and NI
National Small-Bore Rifle Association
National Trust
National Trust for Scotland
Police Scotland
Proof Houses
Royal Armouries
Royal Courts of Justice
Scottish Courts and Tribunals Service
Scottish Enterprise

However, this list is not meant to be exhaustive or exclusive and responses are welcomed from anyone with an interest in or views on the subject covered by this paper.

The proposals

A. Regulations to support the new statutory definition of an antique firearm.

We propose to use the lists of obsolete calibres and descriptions of ignition systems and air weapons set out in the Home Office guidance on antique firearms, as the basis for drafting the regulations to support the new statutory definition of an antique firearm. The guidance currently sets out that weapons manufactured in 1939 or after should not under any circumstances qualify as antiques. The new regulations will specify the obsolete cartridges and propulsion systems of the weapons that will be considered to be ‘antique’ firearms under the Firearms Act 1968. We recognise that the lists may need to be amended to reflect responses to this consultation, subject to careful considerations of the impact on public safety and the legitimate trade.

To aid law enforcement as well as owners and collectors of firearms, the Government published guidance on antique firearms in the ‘Home Office Guide on Firearms Licensing Law’.⁸ Chapter 8 of this guidance (see copy at Annex 1 to this consultation) sets out the Government’s view on what firearms and air weapons can be considered as no longer posing a realistic danger to public safety and which should therefore benefit from the exemption for antique firearms. Appendix 5 of the guidance (see Annexes 2 and 3 to this consultation) provides details of obsolete calibres and of specific obsolete air weapons.

However, the guidance has no statutory footing, which means that the law on antique firearms remains open to interpretation. As a result, law enforcement agencies, firearms dealers and owners or collectors cannot rely on the guidance to set out the definitive legal status of an old firearm. Law enforcement partners also raised concerns about the potential for undesirable consequences arising from this ambiguity, such as permitting the possession of an old but still functioning and dangerous weapon without controls.

Under the Policing and Crime Act 2017, the Firearms Act 1968 has been amended to provide a power to define an ‘antique’ firearm by reference to:

- the chamber(s) that it had at the time of manufacture, or any identical replacement, which is(are) designed for use with a cartridge specified in regulations; or
- its propulsion system, as specified in regulations.

⁸ www.gov.uk/government/uploads/system/uploads/attachment_data/file/518193/Guidance_on_Firearms_Licensing_Law_April_2016_v20.pdf

The regulations will be made by the Secretary of State to support the new statutory definition.

We propose that they should specify:

- a list of the cartridges considered to be now obsolete (which will replace the list of 'obsolete calibres' currently in appendix 5 to the guidance), and;
- the propulsion systems used to discharge missiles or bullets that are now considered to be obsolete. This will include ignition systems for firearms (as set out at Annex 1 or in paragraph 8.9 of the guidance e.g. pin-fire; needle-fire) and other types of propulsion systems for air weapons (at annex 3 or appendix 5 to the guidance e.g. pre-charged pneumatic type weapons with detachable reservoirs; bellows and compressed spring mechanisms).

We propose also to specify that a weapon may only be considered an antique if the cartridge that it was designed to be used with, or its propulsion system, is specified in the regulations, and the weapon was manufactured prior to a specified date. This date will be an upper limit, and any firearm manufactured after this date will not be considered to be an antique.

We are considering two options for this upper limit: 1900 or 1939. The former is proposed on the basis that only weapons manufactured until 1899 can be imported as antiques. Setting the upper limit as prior to 1900 would therefore bring the domestic situation in line with that for import⁹. Setting the upper limit as prior to 1939 would retain the position as currently set out in the guidance.

This consultation seeks views to inform the content of these new regulations, and particularly whether the proposed content is adequate.

⁹ An earlier date of 1890 is used for export control purposes.

B. Ongoing review and updating of the regulations.

The Home Office intends to build on existing engagement with experts and representatives from the fields of firearms and law enforcement, and other departments, to keep the situation regarding antique firearms under regular review. A new (non-statutory) reference group will bring together experts and representatives from the antique firearms trade and delivery partners to review the latest developments at least once a year. The content of the regulations will be subject to review at least every three years, to ensure that they are up to date.

After the new regulations take effect, they will need to be kept under review to ensure that the legislation remains an up to date and proportionate response to a range of potential new developments - e.g. emerging public concerns or crime threats; risks to public safety or the legitimate trade and changes in technology.

For example, it may be necessary to disapply the exemption to a type of antique firearm if it poses a new realistic threat to public safety because it can be used with readily available ammunition. By contrast, in the future it may be appropriate to provide antique status to a weapon that is not currently subject to the exemption if it no longer presents a threat to public safety.

To inform this process of review, we propose to establish a new, non-statutory reference group, comprising representatives of the antique firearms trade, the firearms trade more generally and law enforcement partners. This group will take into account available evidence regarding the use of antique firearms to commit crime, risks to public safety and the impact on the legitimate trade. It will inform Government considerations on proposals regarding any future changes to the regulations.

The Government has considered more formal options including the formation of a consultative advisory committee of experts on firearms law, as recommended by the Law Commission. For example, until 31 January 2004 there was a Firearms Consultative Committee which advised the Government on a statutory basis under section 22 of the Firearms (Amendment) Act 1988. However, the formation of a formal body is not considered a proportionate response in these circumstances, where the matter under review is technical and constrained to the scope of the definition of an antique firearm set out in the legislation.

We propose that the group should meet at least on an annual basis to consider the effectiveness of the regulations and associated arrangements, with the frequency of any ad-hoc meetings within that timeframe determined by regular monitoring of the available data. We propose that the content of the regulations should be reviewed at least every three years, or sooner in response to potentially significant new developments, in line with the principle that they should only be amended if it is considered necessary and proportionate to do so. We consider that this proposed timeframe strikes an appropriate balance between avoiding uncertainty for law

Proposals for implementing legislation to define antique firearms

enforcement and the antique firearms trade, as a result of too frequent changes e.g. every year, and the need to maintain public safety against changing crime threats within longer periods of time e.g. every five years.

Any changes to the regulations that follow from the group's recommendations to Government will be subject to parliamentary scrutiny (via the affirmative procedure, as set out above, when adding to them, or by the negative procedure if removing a cartridge or propulsion system) given the potential impact on the legal status of some firearms on public safety and on businesses.

Questionnaire

We would welcome responses to the following questions set out in this consultation paper.

Section 1. Proposal A: Regulations to support the new statutory definition of an antique firearm.

Q1 Do you agree that the descriptions of ignition systems of antique firearms in Annex 1 are a good basis for the new regulations?

| Yes | No |
|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> |

Please give reasons. (max. 500 words)

Q2 Do you agree that the list of obsolete cartridges at Annex 2 is a good basis for the new regulations?

| Yes | No |
|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> |

If No, please download Annex 2 at www.gov.uk/government/consultations/policing-and-crime-bill-proposals-to-implement-legislation-to-define-antique-firearms to add your updates and give reasons, and attach the updated file to your response. (This option is also available to respond online.)

Q3 Do you agree that the descriptions of propulsion systems of air weapons at Annex 3 are a good basis for the new regulations?

| Yes | No |
|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> |

If No, please download Annex 3 at www.gov.uk/government/consultations/policing-and-crime-bill-proposals-to-implement-legislation-to-define-antique-firearms to add your updates and give reasons, and attach the updated file to your response. (This option is also available to respond online.)

Q4 Do you have a preference for setting the upper limit for the date of manufacture of an antique firearm prior to:

| No preference | 1 January 1900? | 1 January 1939? | A different date? |
|--------------------------|--------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Please give reasons. (max. 250 words)

Proposals for implementing legislation to define antique firearms

| |
|--|
| |
|--|

Section 2. Proposal B: Ongoing review and updating of the regulations.

Q1 To what extent do you agree or disagree with the proposal for a non-statutory reference group to meet at least annually to monitor the situation regarding antique firearms?

| Strongly agree | Agree | Neither agree nor disagree | Disagree | Strongly disagree |
|----------------|-------|----------------------------|----------|-------------------|
| | | | | |

Please give reasons. (max. 250 words)

Q2 To what extent do you agree or disagree with the proposal to review the content of the new antique firearms regulations at least every three years?

| Strongly agree | Agree | Neither agree nor disagree | Disagree | Strongly disagree |
|----------------|-------|----------------------------|----------|-------------------|
| | | | | |

Please give reasons. (max. 250 words)

Q3 Do you have alternative proposals for reviewing and updating the regulations?

| Yes | No |
|-----|----|
| | |

Please specify and give reasons. (max. 250 words)

Section 3. About you: respondent's information

Please use this section to tell us about yourself. Providing this information is voluntary. Please be assured that responses will be treated as personal data by the Home Office in compliance with government guidance on holding personal information.

| | | |
|--|--|--------------------------|
| Q1 | Full name | |
| Q2 | Have you owned at least one antique firearm in the past 12 months? (If yes, please answer Section 4, p.14) | |
| Q3 | Company name/organisation (if applicable, please answer Section 5, p.15) | |
| Q4 | Job title or capacity in which you are responding to this consultation exercise (for example, member of the public or chairman of a representative body) | |
| Q5 | Details of any firearm-related licences or registration (if applicable) Issuing authority (or authorities) | |
| Q6 | Contact details: - Email address or - Main address including postcode <u>We will acknowledge receipt of all the responses to the consultation.</u> | |
| If you would like your response to remain anonymous, please tick this box: | | <input type="checkbox"/> |

Q7 Do you have any comments about the proposals in this consultation in relation to impact on protected characteristics under the Equalities Act 2010: age; disability; pregnancy and maternity; race; religion or belief; gender; sexual orientation?

| | |
|------------|-----------|
| Yes | No |
| | |

Please give details. (max. 500 words)

Section 4. Personal activities involving antique firearms

Q1 In the past 12 months, approximately how many antique firearms have you:

| | |
|-----------------------------------|--|
| Had in your personal possession? | |
| Purchased or received as a gift? | |
| Sold or gifted to another person? | |

Q2 In the past 12 months, approximately how many antique firearms have you acquired from, or transferred to, a person or business -

| In transactions with: | | Acquired | Transferred |
|-----------------------|--|----------|-------------|
| a | Registered firearms dealers | | |
| b | Firearm owners or collectors | | |
| c | Antique firearms dealers | | |
| d | Specialist dealers in arms and militaria | | |
| e | Specialist auctioneers | | |
| f | Specialist guns and antique firearms fairs | | |
| g | Other antiques dealers or fairs | | |
| h | Other auctioneers | | |

Q3 In the past 12 months, approximately how many antique firearms have you acquired from, or transferred to, a person or business based in:

| | Acquired | Transferred |
|---------------------|----------|-------------|
| a Northern Ireland | | |
| b EU | | |
| c Rest of the World | | |

During its review of firearms legislation, the Law Commission highlighted law enforcement concerns about the use of cash, barter and exchange to trade antique firearms and collectors' concerns about its proposal to restrict these transactions to electronic fund transfer or payment only. It would be helpful to gather further information on the use and extent of different methods of payment in the antique firearms trade.

Q4 In the past 12 months, approximately how many antique firearms did you acquire or transfer to another person using cash, exchange or barter?

| | |
|---------|--------------------------|
| Number: | Estimated (total) value: |
| | |

Q5 In the past 12 months, approximately, how many antique firearms did you acquire or transfer to another person using cheques or electronic methods of payment (e.g. mobile or online banking and fund transfers, payment apps)?

| | |
|---------|--------------------------|
| Number: | Estimated (total) value: |
| | |

Section 5. Business and trade

Q1 How many antique firearms did your business activities (stock, purchase, supply, etc) involve in 2016-17, approximately?

| |
|---------|
| Number: |
|---------|

Q2 What was the value of your turnover specific to antique firearms in 2016-17, approximately?

| |
|--------|
| Value: |
|--------|

Q3 Does your business or organisation trade in antique firearms with:

| | Yes | No |
|-------------------|-----|----|
| Northern Ireland | | |
| EU | | |
| Rest of the World | | |

Q4 Does your business or organisation trade through firearm or antique fairs?

| Yes | No |
|-----|----|
| | |

Q5 Do you have the ability to accept payments electronically when trading antique firearms in all circumstances?

| Yes | No |
|-----|----|
| | |

If No, please give details. (max. 250 words)

| |
|--|
| |
|--|

Q6 What would be the impact of the new antique firearms legislation on your business or organisation following the coming into force of the new regulations? Please provide estimates on any costs or benefits, if possible. (max. 500 words)

| |
|--|
| |
|--|

Q7 In your view, what effects could a change to the legal status of a firearm have on its overall value? Please use specific examples of firearms to explain estimates on any increase or decrease in value. (max. 250 words)

Q8 In your view, what effects could a change to the legal status of an antique firearm have on the overall value of your trade? Please provide estimates on any costs or benefits, if possible. (max. 250 words)

The Government published an impact assessment of the antique firearms provisions contained in the Policing and Crime Act 2017 which takes account of the Regulatory Policy Committee's opinion on the impact of the legislation. Links to these publications are listed at Annex 4. The impact assessment gives an undertaking to gather more information on the antique firearms trade to improve the evidence base and our understanding of the potential impact of the proposals on businesses.

Q9 Do you have any comments to add to the impact assessment of the new legislation on antique firearms to inform the proposals in this consultation?

We are particularly interested in information on:

- **the size and value of the antique firearms trade in England, Wales and Scotland (including numbers of collectors, individual dealers or regulated businesses);**
- **the number of antique firearms held in collections or advertised for sale; and**
- **any other evidence on the legitimate trade in antique firearms, their availability to purchase online and at firearm or antique fairs, and their use in crime.**

| Yes | No |
|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> |

Please give details. (max. 500 words) You can attach files to your response. [This option is also available to respond online.]

THANK YOU FOR YOUR RESPONSE

Contact details and how to respond

Please send your response by 14 December 2017 by either -

- Completing the online form at:
<http://www.homeofficesurveys.homeoffice.gov.uk/s/GTEQL/>
- Email to: firearmsconsultations@homeoffice.gsi.gov.uk
- Post to:

Tackling Crime Unit
5th floor, Fry Building
2 Marsham Street
London SW1P 4DF

Complaints or comments

If you have any complaints or comments about the consultation process you should contact the Home Office at the above address.

Extra copies

Further paper copies of this consultation can be obtained from this address and it is also available online at www.gov.uk/government/consultations/policing-and-crime-bill-proposals-to-implement-legislation-to-define-antique-firearms.

Alternative format versions of this publication can be requested from firearmsconsultations@homeoffice.gsi.gov.uk.

Publication of response

After considering the responses to this consultation, the Government intends to publish an analysis of these responses alongside final policy proposals, and to lay draft regulations which will be subject to the approval of Parliament through the affirmative procedure.

The response paper will be available online at <https://www.gov.uk/government/consultations/policing-and-crime-bill-proposals-to-implement-legislation-to-define-antique-firearms> .

Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Home Office.

The Home Office will process your personal data in accordance with the DPA and, in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

Annexes

Annex 1. Home Office guidance on antique firearms

Below is the description of antique firearms in relation to their propulsion systems at the point of manufacture.

This information is contained in Chapter 8 of the Home Office Guide on Firearms Licensing Law¹⁰ (last updated in April 2016).

'Old firearms which should benefit from exemption as antiques

8.9 Pre-1939 firearms to benefit from exemption as antiques are as follows:

- a) All muzzle-loading firearms;
- b) Breech-loading firearms capable of discharging a rimfire cartridge other than .22 inch or .23 inch (or their metric equivalents), 6mm or 9mm rimfire;
- c) Breech-loading firearms using ignition systems other than rimfire and centrefire (these include pin-fire and needle-fire ignition systems, as well as the more obscure lip fire, cup-primed, teat fire and base fire systems);
- d) Breech-loading centrefire arms originally chambered for one of the obsolete cartridges listed in Appendix 5 and which retain their original chambering;
- e) Shotguns and punt guns chambered for the following cartridges (expressed in imperial measurements): 32 bore, 24 bore, 14 bore, 10 bore (2 5/8 and 2 7/8 inch only), 8 bore, 4 bore, 3 bore, 2 bore, 1 1/8 bore, 1 1/4 bore, and 1 1/2 bore, and vintage punt guns and shotguns with bores greater than 10. It also includes vintage (pre-1939) rifles in these bores.

8.10 The exemption does not apply to ammunition, and the possession of live ammunition suitable for use with an otherwise antique firearm may indicate that the firearm is not possessed as a curiosity or ornament.

8.11 The exemption does not apply to firearms of modern manufacture which otherwise conform to the description above. For these purposes, "modern manufacture" should be taken to mean manufacture after the outbreak of the Second World War in 1939. Fully working modern firing replicas of muzzle-loading and breech-loading firearms, for example those used to fire blanks by historical re-enactment societies but capable of firing live ammunition, must be held on certificate. This includes replica pieces of ordnance that are to be fired; some replicas have been produced with a true bore size of just under 2 inches, thus enabling possession and use on a shotgun certificate, but with significant counter-boring at the muzzle to preserve the necessary appearance of external visual authenticity.

¹⁰ www.gov.uk/government/publications/firearms-law-guidance-to-the-police-2012

Old firearms which should not benefit from the exemption as antiques

- 8.12 Old firearms which should not benefit from the exemption as antiques are set out below. This list is not exhaustive and there may be other types and calibres of firearms that should be considered “modern” rather than “antique”:
- a) Shotguns and smooth-bored guns, including shot pistols, chambered for standard shotgun cartridges, .22 inch, .23 inch, 6mm and 9mm rimfire cartridges unless otherwise specified in the list of obsolete shotgun chamberings (calibres) published in appendix 5;
 - b) Rifles and handguns chambered for .22 inch, .23 inch, 6mm or 9mm rimfire ammunition;
 - c) Revolvers, single-shot pistols and self-loading pistols which are chambered for, and will accept centrefire cartridges of the type .25, .30, .32, .38, .380, .44, .45, .450, .455 and .476 inch, or their metric equivalents including 6.35mm, 7.62mm, 7.63mm 7.65mm, 8mm and 9mm, unless otherwise specified in the list of obsolete calibres published in appendix 5;
 - d) Modern reproduction firearms or old firearms which have been modified to allow the use of shotgun cartridges or cartridges not listed in the list of obsolete calibres published in appendix 5;
 - e) Weapons extensively modified after 1939;
 - f) Signalling pistols chambered for 1 and 1 1/2 inch cartridges or 26.5mm/27mm cartridges;
 - g) Pump-action and self-loading centrefire rifles, except those examples originally chambered for one of the obsolete cartridges (calibres) listed in appendix 5 and retaining their original chamberings. The latter may benefit from an exemption as antiques under section 58(2) of the Firearms Act 1968 (as amended).

Air weapons

- 8.13 Section 31 of the Violent Crime Reduction Act 2006 amended section 3 of the Firearms Act 1968 to require any such dealer who sells or transfers an air weapon by way of trade or business, or who exposes such a weapon for sale or transfer or has such a weapon in his possession for sale or transfer, to register with the police as a firearms dealer.
- 8.14 Section 1(3) of the 1968 Act confirms that the term 'air weapon' includes air rifles, air guns and air pistols.
- 8.15 In accordance with section 58(2) of the 1968 Act, it is not necessary to register as a dealer where the air weapons concerned are antiques which are kept as curiosities or ornaments. Following consultation with the police and other interested parties, the Home Office is of the view that any air weapon manufactured before 1939 should normally be regarded as an antique for these purposes. Appendix 5 contains guidance on the most common types of air weapon, rifle or pistol manufactured before 1939.'

Annex 2. List of Obsolete Cartridges

A copy of the list of obsolete cartridges published in appendix 5 to the Home Office Guide on Firearms Licensing Law on gov.uk (last updated in April 2016) is reproduced at www.gov.uk/government/consultations/policing-and-crime-bill-proposals-to-implement-legislation-to-define-antique-firearms.

Annex 3. List of Antique Air Weapons

A copy of the list of antique air weapons published in appendix 5 to the Home Office Guide on Firearms Licensing Law on gov.uk (last updated in April 2016) is reproduced at www.gov.uk/government/consultations/policing-and-crime-bill-proposals-to-implement-legislation-to-define-antique-firearms.

Annex 4. Impact Assessment

An impact assessment of the firearms provisions contained in the Policing and Crime Act 2017 at the time they were introduced as a Bill before Parliament, including on the definition of an 'antique firearm', is published at www.gov.uk/government/uploads/system/uploads/attachment_data/file/529218/Impact_Assessment_-_Amendments_to_Firearms_Acts.pdf.

The opinion of the Regulatory Policy Committee on this impact assessment is also available online at

www.gov.uk/government/uploads/system/uploads/attachment_data/file/566546/RPC-3249_2_-HO_-_Amendments_to_the_Firearms_Act_-_final.pdf.

Consultation principles

The principles that government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set out in the consultation principles.

www.gov.uk/government/publications/consultation-principles-guidance



© Crown copyright 2017

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3 or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gsi.gov.uk.

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at www.gov.uk/government/publications.

Any enquiries regarding this publication should be sent to us at public.enquiries@homeoffice.gsi.gov.uk.