



Home Office

Proposals for implementing legislation to define antique firearms

Government response

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Introduction

This document is the summary of responses to the consultation paper '*Proposals for implementing legislation to define antique firearms*', published by the Home Office on 19 October 2017.

It covers:

- the background to the consultation
- a summary of the consultation responses
- a detailed response to the specific questions raised in the consultation, and
- the next steps following this consultation.

Background

Antique firearms which are held as a 'curiosity or ornament' are exempt from most firearms controls, including the requirement to be licensed. However, current legislation does not provide a definition of 'antique firearm'. Although the Home Office has published guidance on types of old firearm which can safely be regarded as antique, the absence of a statutory definition has created legal uncertainty around exactly which firearms can benefit from the exemption.

There is evidence that criminals are taking advantage of this uncertainty and are obtaining old but still functioning firearms for use in crime. Since 2007, six fatalities have been linked to antique firearms. The number of antique firearms recovered per year in criminal circumstances increased ten-fold between 2008 and 2016, from nine to 96.

Recent criminal cases demonstrate how criminals continue to exploit uncertainty around the law on antique firearms. For example, a former firearms dealer was convicted and sentenced to 30 years imprisonment in 2017 for firearms offences, including supplying antique firearms to criminal gangs. In 2018, a firearms certificate holder was convicted and sentenced to 23 years imprisonment for firearms offences, including making ammunition for antique firearms and supplying it to organised crime groups.

This issue was highlighted by the Law Commission in its 2015 report '[Firearms Law - Reforms to Address Pressing Problems](#)'. Following that report, the Government made provision in the Policing and Crime Act 2017 to define 'antique firearm' in regulations by reference to the type of cartridge it was designed to use, or by reference to its propulsion system. Regulations can also be used to specify a cut-off date of manufacture after which a firearm cannot be considered as antique.

To inform the content of those regulations, we undertook a public consultation between 19 October and 14 December 2017 which sought views on:

- which propulsion systems are considered obsolete
- which cartridges are considered obsolete
- a cut-off date of manufacture
- arrangements for reviewing the regulations, and
- information about the trade in antique firearms.

This report summarises the responses we received and sets out the Government's conclusions and proposed next steps. An impact assessment in respect of the proposals accompanies this document.

Proposals for implementing legislation to define antique firearms

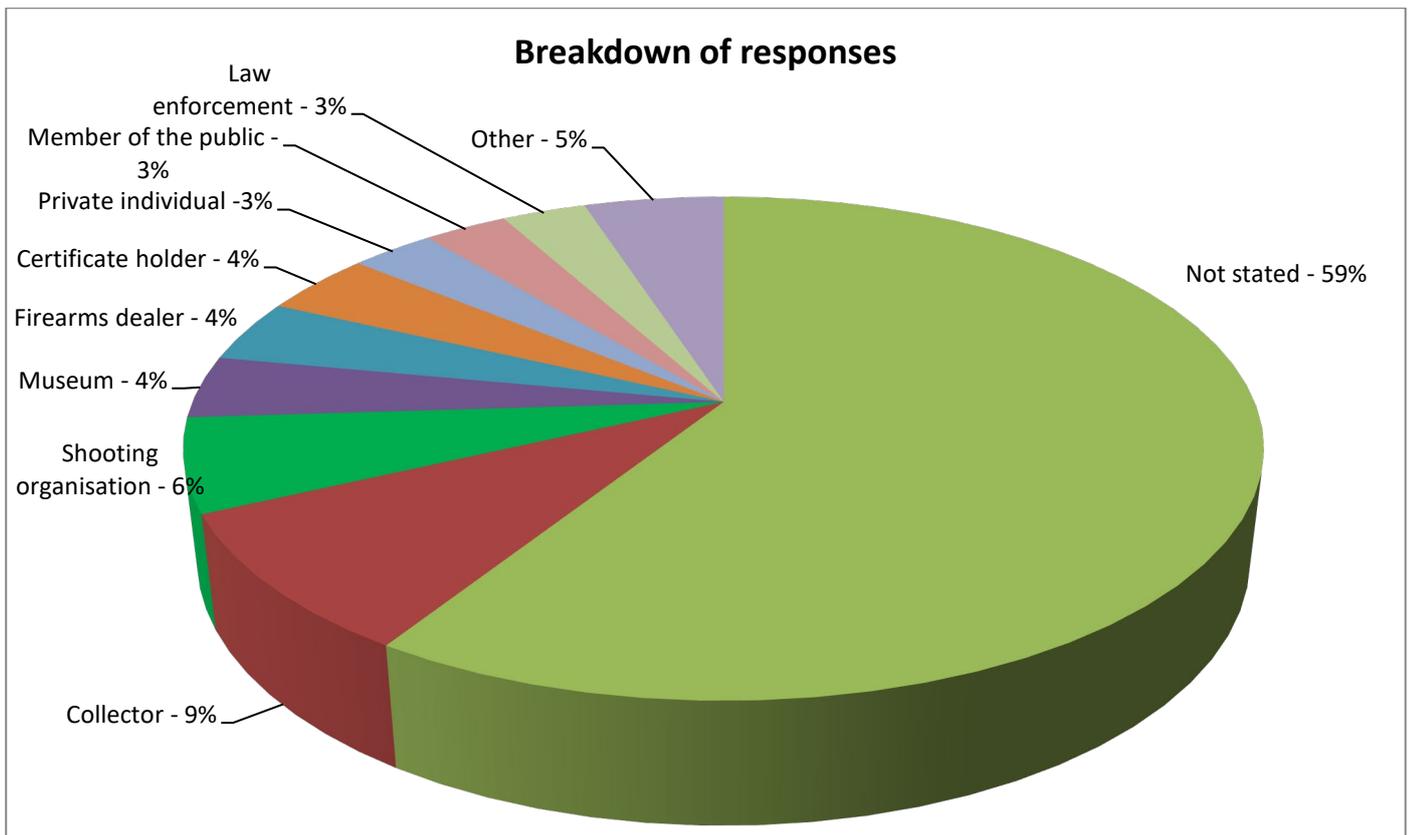
This summary has taken some time to publish as it was necessary to carefully consider the consultation responses and to discuss the technical aspects with expert stakeholders. Following those discussions, the Government is now able to bring forward the summary and resulting regulations. This vital legislation will strengthen the controls on antique firearms to help stop them falling into criminal hands and thereby protect the public.

Summary of responses

1. We received a total of 185 responses to the consultation, comprising 103 completed online survey responses, 58 partially completed online survey responses and 24 responses received via email or post.
2. Responses came from collectors of antique firearms, museums, the firearms community (dealers, certificate holders and representative bodies) and from the police and other law enforcement agencies. Over half of respondents (59%) provided no identifying information.
3. A breakdown of respondents is set out in the table and chart below.

	Responses	Percentage
Collector	16	9%
Shooting organisation	12	6%
Museum	8	4%
Firearms dealer	7	4%
Certificate holder	7	4%
Private individual	6	3%
Member of the public	5	3%
Law enforcement	5	3%
Other	10	5%
Not stated	109	59%
Total	185	

Proposals for implementing legislation to define antique firearms



Responses to specific questions

This section summarises responses to the specific questions posed in the consultation paper. The total number of responses varies by question, as many respondents did not provide a response for every question. We have not provided a breakdown by respondent type for each question since a majority of respondents (59%) did not provide this information.

Section 1

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

	Responses	Percentage
Yes	92	65%
No	49	35%

Almost two thirds (65%) of respondents who answered this question agreed with this statement. Many thought that the descriptions had generally worked well over the years and were familiar to collectors and law enforcement alike.

Just over one third (35%) of respondents who answered this question did not agree and some suggested additions or clarifications to the descriptions. For example, some respondents suggested including obsolete propulsion systems such as flintlock, match-lock, wheel-lock and percussion cap.

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

	Responses	Percentage
Yes	95	69%
No	43	31%

Over two thirds (69%) of respondents who answered this question agreed with this statement, with almost one third (31%) disagreeing. As with the previous question, many respondents felt the list of cartridges worked well and provided continuity for collectors and law enforcement.

There were many suggestions for changes to the obsolete cartridge list. Collectors and collectors' groups suggested adding to the list many hundreds of cartridges which they felt were obsolete. Law enforcement respondents suggested the removal of a small number of cartridges from the list, following their repeated use in crime.

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

	Responses	Percentage
Yes	91	78%
No	25	22%

Over three quarters (78%) of respondents who answered this question agreed with this statement, with almost one quarter (22%) disagreeing. There were very few suggestions for any changes to the descriptions, although a number of respondents pointed out that in general all air weapons use compressed air (or CO₂), and the actual difference is in the means of compression of the air or gas (eg, spring, pump etc).

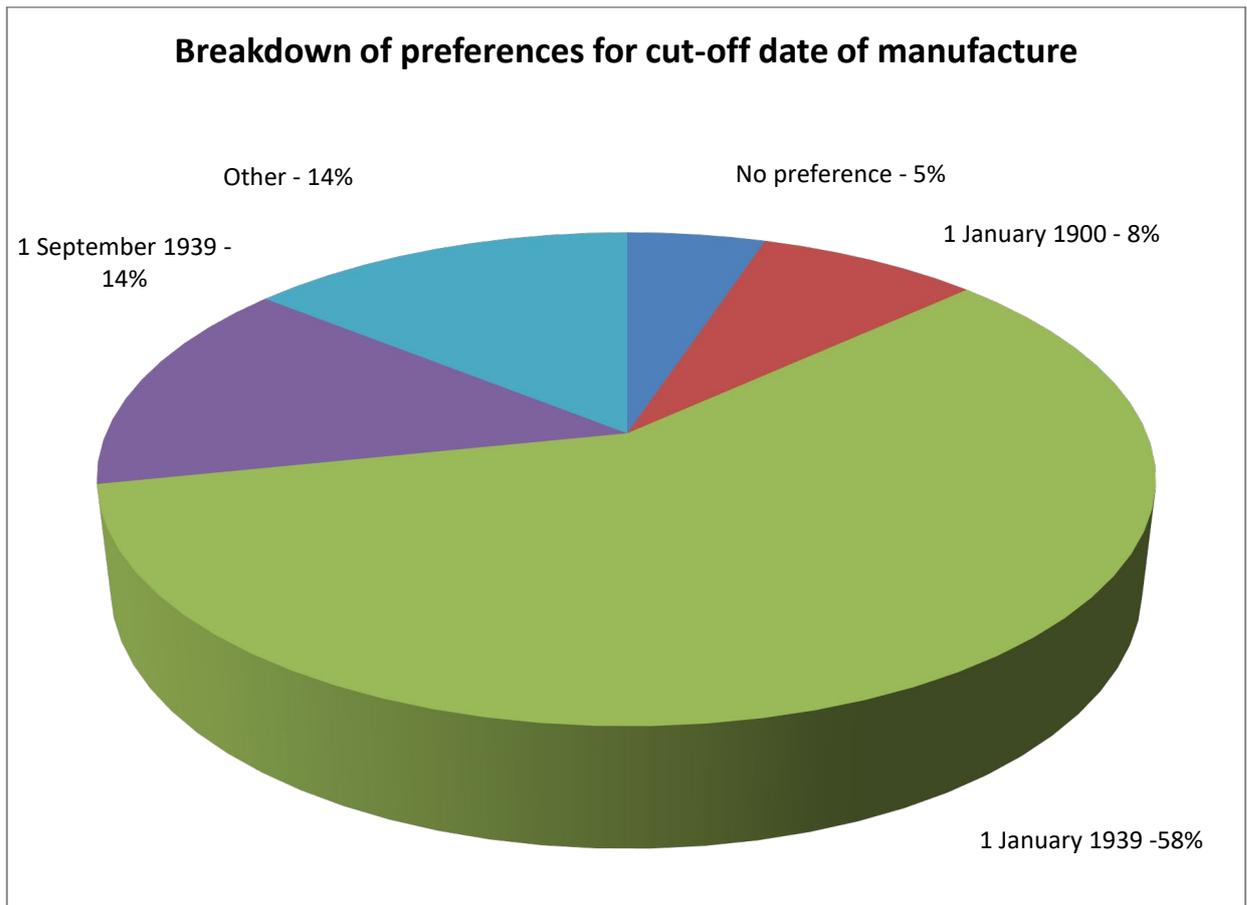
4. Do you have a preference for setting the upper limit for the date of manufacture of an antique firearm?

Over half (58%) of respondents who answered this question preferred a cut-off date of manufacture of 1 January 1939. They felt this date worked well and was familiar to collectors and law enforcement. They also felt that moving to an earlier date would adversely affect collectors and museums by restricting the types of antique firearms which could be freely obtained and possessed.

	Responses	Percentage
No preference	6	5%
1 January 1900	10	8%
1 January 1939	68	58%
1 September 1939	17	14%
Other	17	14%

8% of respondents who answered this question preferred 1 January 1900. This was mainly law enforcement bodies, who felt that the date used for domestic controls should be brought into line with that used for import licensing controls.

Over a quarter (28%) of respondents who answered this question preferred a different date to the two proposed in the consultation paper, with half of them preferring 1 September 1939 (the outbreak of the Second World War).



Section 2

1. **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?**

	Responses	Percentage
Strongly agree	52	48%
Agree	14	13%
Neither agree nor disagree	15	14%
Disagree	9	8%
Strongly disagree	18	17%

A majority (61%) of respondents who answered this question either strongly agreed or agreed with this proposal. They agreed that regular reviews were needed to keep the regulations up to date, although some questioned whether annually was too frequent.

A quarter (25%) of respondents who answered this question either disagreed or strongly disagreed with this proposal. They felt that a reference group was unnecessary and would be a waste of public money.

Many respondents, both those in favour and against, pointed to the need for a reference group to have a balanced and expert membership.

2. **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?**

	Responses	Percentage
Strongly agree	29	27%
Agree	28	26%
Neither agree nor disagree	17	16%
Disagree	14	13%
Strongly disagree	19	18%

Over half (53%) of respondents who answered this question either strongly agreed or agreed with this proposal. As for the previous question, respondents felt it was

important to review the regulations regularly to ensure they remained relevant and effective.

Nearly a third (31%) of respondents who answered this question either disagreed or strongly disagreed. Some felt a review every three years was too frequent, while others felt that three years was too long to wait to change the regulations should new threats emerge.

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

	Responses	Percentage
Yes	26	25%
No	79	75%

The majority of respondents (75%) who answered this question did not have alternative proposals for reviewing and updating the regulations. A quarter of respondents (25%) did suggest alternative proposals. However, many of them simply commented that the existing controls were working and that regular reviews were not necessary.

Conclusion and next steps

The Government welcomes the response to the consultation and would like to thank everyone who took the time to respond on this important issue.

Basis for the new regulations

A clear majority of respondents agreed that the lists of propulsion systems and obsolete cartridges set out in the current Home Office non-statutory guidance would provide a good basis for the new regulations. Many felt that the existing lists had generally worked well over the years and would provide continuity of approach for all concerned. **We agree that the new regulations should be closely based on the existing lists.**

Propulsion systems

Respondents representing collectors suggested some clarification of the descriptions of obsolete propulsion systems. This would not alter the propulsion systems which are currently regarded as obsolete but rather would set them out more clearly to avoid any uncertainty. **We are content to use the new regulations to specify as clearly as possible which propulsion systems are obsolete and can therefore benefit from the antique exemption.**

Obsolete cartridges

Some respondents proposed specific changes to the list of obsolete cartridges. In particular, law enforcement respondents provided evidence of the use of antique firearms in crime and called for those obsolete cartridges which are regularly used by criminals to be removed from the list. The Government recognises the legitimate trade in antique firearms and the role of museums and individual collectors in preserving and studying them. We also understand the concerns of collectors over the potential loss in value of any firearms which cease to be regarded as antique. It is clear, however, that the criminal use of antique firearms has increased significantly over recent years. The number of antique firearms recovered per year in criminal circumstances increased from four in 2007 to 96 in 2016. The number of recoveries has decreased slightly since 2016 (to 87 in 2017, 80 in 2018 and 68 in 2019) but remains at an unacceptably high level. In more than half of these recoveries, ammunition capable of being used with the antique firearm was also recovered. Since 2007, six fatalities have been linked to antique firearms.

Public safety is paramount and the Government will not stand by while antique firearms are being used in crime and endangering the public. Although antique firearms represent only around 5% of all firearm recoveries recorded by NABIS, there

is clear evidence of their regular use in crime. **We will therefore remove the following cartridges from the list of obsolete cartridges when making the new regulations:**

- .320 British (also known as .320 Revolver CF, short or long)
- .41 Colt (short or long)
- .44 Smith and Wesson Russian
- .442 Revolver (also known as .44 Webley)
- 9.4mm Dutch Revolver
- 10.6mm German Ordnance Revolver
- 11mm French Ordnance Revolver M1873 (Army)

This will mean that from the date the new regulations take effect, all firearms chambered for use with the above cartridges will become subject to firearms licensing. Section 126 of the Policing and Crime Act 2017 will be brought fully into effect and will allow existing owners to retain such weapons on a firearm certificate without having to show good reason and, in the case of prohibited weapons, without the need for the Secretary of State's authority under section 5 of the Firearms Act 1968 (but not in the case of dealers who wish to possess the weapons for the purpose of their business). Museums will be able to apply to retain such weapons through their Museum Licence or other certificate.

Respondents representing collectors provided evidence of additional obsolete cartridges that might safely be added to the list. Following careful consideration, and taking into account advice from law enforcement agencies, **we have decided that the following cartridges can safely be added to the list when making the new regulations.**

- .26 BSA (.26 Rimless Belted Nitro Express)
- .33 BSA (.33 Rimless Belted Nitro Express)
- .360 No 2 Nitro Express
- .40 BSA (.40 Rimless Belted Nitro Express)
- .400/360 2 ¾ in Nitro Express
- .425 Westley Richards Magnum
- .475 x 3 ¼ in Nitro Express
- .475 No 2 Jeffery Nitro Express
- .475 No 2 Nitro Express
- .476 Nitro Express (.476 Westley Richards)
- .50-90 2 ½ inch
- .50-110 2.4 inch
- .577 – 3 in (Black Powder & Nitro Express)
- .577 – 3 ¼ in (Black Powder & Nitro Express)
- 6.5 x 53mm R Mannlicher (Dutch/Romanian)
- 8 x 56mm Mannlicher Schoenauer
- 8 x 58 mm R Krag
- 8 mm Murata
- 9 x 56mm Mannlicher Schoenauer
- 9 x 57mm R Mauser
- 9 x 57mm Rimless Mauser

9.5 x 57mm Mannlicher Schoenauer
8mm Roth Steyr

The majority of these are rifle cartridges and the remaining item is a very rare pistol cartridge. From the date the new regulations take effect, firearms which are chambered for use with these cartridges and which meet the other statutory criteria for an antique firearm, will no longer be subject to firearms control and can be possessed without a certificate.

Cut-off date of manufacture

The consultation sought views on a cut-off date of manufacture after which a firearm cannot be regarded as antique. The current cut-off date used in the non-statutory guidance is 1939.

A majority of respondents (58%) preferred 1 January 1939 as they felt moving to an earlier date would adversely affect collectors and museums by unduly restricting the types of antique firearms which can be freely traded and possessed. Respondents from law enforcement agencies preferred the earlier date of 1 January 1900. This was because it would remove the exemption for antiques and apply licensing controls to many of the antique firearms currently used by criminals and would bring the date in line with that for import licensing.

The Government is committed to tackling the criminal use of antique firearms but recognises that changes to the controls must be proportionate to the threat and risk. While moving the cut-off date from 1939 to 1900 would help reduce the risk from firearms manufactured during that period by requiring them to be licensed, and would provide consistency between the domestic and import controls, the majority of firearms manufactured during this period do not feature in crime and are held safely and responsibly by museums and collectors with no danger to the public. Licensing them all would place extra burdens on the police, museums, collectors and dealers without significantly increasing public safety.

The Government believes the current approach provides a more balanced and targeted response to the risk presented by the criminal use of antique firearms. A cut-off date of 1939 ensures that firearms of modern manufacture are always subject to licensing, while the list of propulsion systems and obsolete cartridges is used to target and control the minority of antique firearms which feature in crime, allowing those which do not present a danger to be freely held. The introduction of a statutory definition of 'antique firearm' provided by the new regulations will provide clarity for law enforcement agencies and assist with prosecutions. Regular review of the regulations (see below) will allow the Government to respond to any significant new threats. **We have therefore decided to retain a cut-off date of manufacture of 1939.**

The consultation highlighted a need for greater clarity over what is the exact cut-off date in 1939. The guidance mainly refers to firearms manufactured pre-1939 – ie,

before 1 January 1939. However, the guidance also states that the exemption for antique firearms does not apply to firearms manufactured after the outbreak of the Second World War – ie 1 September 1939. A significant proportion of respondents (14%), mainly collectors and shooting organisations, preferred a cut-off date of 1 September 1939, stating that this was the current cut-off date.

The regulations provide an opportunity to clarify this. The outbreak of the Second World War marked the beginning of a period of considerable innovation in firearms design and manufacture. In the context of firearms production, it represents a more logical cut-off date than 1 January 1939. **The Government will therefore confirm 1 September 1939 as the cut-off date of manufacture for antique firearms.**

Monitoring and review of the new regulations

A majority of respondents (61%) supported the proposal for a non-statutory reference group to meet annually to monitor the situation regarding antique firearms. This group would provide a regular examination of the latest evidence of the criminal use of antique firearms, emerging threats and the impact on the antiques trade. Some respondents felt that annual meetings would be too frequent.

The Government believes that annual meetings would not be excessive. It is important to monitor the latest developments and ensure that emerging threats are quickly identified.

Some respondents pointed to the need for the reference group to have a balanced and expert membership. **The Government agrees with this. The reference group will include representatives from law enforcement, the antique firearms trade, museums and collectors.**

A majority of respondents (53%) also supported the proposal to review the content of the new antique firearms regulations at least every three years. They agreed with the Government that regular reviews were needed to keep the regulations up to date. However, some felt a review every three years was too frequent, while others felt that three years was too long to wait to change the regulations should new threats emerge.

The Government recognises that collectors and museums would prefer some certainty that the regulations will not change too frequently so they can have greater confidence when investing in antique firearms. However, we must balance this against the need to be responsive to new threats and to keep legislation up to date in order to safeguard the public against the criminal misuse of antique firearms. **The Government considers that a review every three years strikes the right balance between these interests.** It is worth stressing that the regulations need not change following every three-yearly review – they will only change if it is considered necessary and proportionate to do so. Conversely, if a significant new threat arises, we would not wait for the next three-yearly review in order to change the regulations.

Next steps

Draft regulations reflecting the approach set out above are being laid before Parliament. The regulations will come into effect 21 days after they are made. An Impact Assessment has been published.

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.

<https://www.gov.uk/government/publications/consultation-principles-guidance>

Annex A – List of respondents

Arms and Armour Society
Army Museums Ogilby Trust
British Association for Shooting & Conservation
British Shooting Sports Council
Countryside Alliance
Crown Prosecution Service
English Heritage Trust
Gun Trade Association
Heritage Arms Study Group
Historical Breechloading Smallarms Association
Lee Enfield Rifle Association
Metropolitan Police Service Forensic Firearms Unit
Museum Weapons Group
Muzzle Loaders Association of Great Britain (Surrey Branch)
National Association of Re-enactment Societies
National Ballistics Intelligence Service
National Crime Agency
National Police Chiefs' Council
Regimental Museum of The Royal Welsh
Royal Armouries
Royal Regiment of Fusiliers Museum (Royal Warwickshire)
Scottish Courts and Tribunals Service
Staffordshire Regiment Museum
Swindon Museum and Art Gallery
Vintage Arms Association

The remaining responses were from individuals or from respondents who provided no identifying information.



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