
Policing and Crime Bill – amendments to the Firearms Act 1968

Home Office

RPC rating: fit for purpose

Description of proposal

The Government proposes to amend legislation in order to implement four recommendations from the Law Commission's review of firearms legislation. These mainly concern closing unintended loopholes in existing legislation in order to restrict the use of antique and reactivated firearms by criminals. The proposed changes to primary legislation are:

- To take a power to amend the definition of an antique firearm, so that it covers fewer firearms.
- To introduce a new offence for converting imitation firearms with unlawful intent;
- To define what is a component part of a weapon.
- To define lethality, in the context of a firearm that is not an airsoft weapon, as a muzzle velocity of over one joule.

The specific list of firearms no longer defined as antiques will be included in secondary legislation at a later date and the impacts will be assessed in an impact assessment (IA) at that time. The other three changes will come into force directly as a result of the primary legislation.

Impacts of proposal

The IA states that there are 3,422 registered firearms dealers in the UK that might be affected. The IA also states that antiques dealers, museums that display antique firearms, and airsoft weapon retailers that manufacture, repair or sell retail products, such as BB guns, will be exempted.

Costs of amending the definition of an antique firearm

The IA states that registered firearms dealers, collectors and traders of antique firearms, and museums that display antique firearms, may incur costs. This is because some firearms previously identified as antique or non-lethal could become prohibited weapons under the new definition and would, therefore, be subject to certificate controls. This could decrease the demand and reduce the price for such

firearms. It would also require the owners of such firearms to pay the fee of £88 initially, and £66 for renewal, for each firearm certificate. The IA also states that the department expects there to be familiarisation costs for registered firearms dealers and collectors and traders of antique firearms. The department has not been able to monetise these costs, despite engaging with trade groups, but expects them to be small. It therefore proposes to assess the impact of these in the IA that supports the secondary legislation after a public consultation.

The department expects that the proposals would place additional burdens on the legal system, as a result of increased prosecutions in cases in which antique firearms are recovered in criminal circumstances.

Costs of other changes

The IA states that there may be costs to registered firearms dealers and airsoft weapon retailers from familiarising themselves with these changes and undertaking any required training. It also states that there may be costs to these businesses as a result of any reduction in the price of, or demand for, weapons that would become newly classified as lethal, or parts that would become newly classified as a component part of a weapon. The department expects these costs to be very small, as the definitions are already contained in the Home Office guide on firearms licensing law, which is well understood by affected businesses. No compliant business would be affected by the creation of the new offence. This has been confirmed by the *Gun Trade Association*.

Benefits

The IA says that law enforcement agencies have stated that current firearms legislation is open to abuse and that closing the loopholes highlighted by the Law Commission would lead to a reduction in gun crime. The IA does not quantify this effect but does provide indicative evidence. For instance, National Ballistics Intelligence Service data shows that antique firearms have been recovered in criminal circumstances 59 times in the last year. In addition, the proportion of criminal shootings involving reactivated firearms has risen over the last three years and now stands at 5 per cent of all shootings.

The RPC verifies the estimated equivalent annual net direct cost to business (EANDCB) of £0.0 million for the three changes that come into force directly as a result of the primary legislation. The RPC verifies the estimated EANDCB of £0.0 million for the power to amend the definition of an antique firearm at this stage, on the condition that an IA is submitted to the RPC, and the EANDCB scored for the business impact target, when the specific list of firearms is published as part of secondary legislation.

Quality of submission

Following the RPC's initial review and red-rated opinion, a number of issues with the IA have been resolved. The IA now:

- includes an explanation of, and evidence for, why the department expects the impacts of the three changes that come into force directly as a result of the primary legislation (i.e. the definitions of component parts and lethality, and converting imitation firearms offence) to be limited. The IA would still benefit from including indicative estimates of the likely cost to business; however, the RPC acknowledges that this may not be proportionate, given that industry groups have confirmed that the costs are likely to be limited;
- includes a sufficient small and micro business assessment. The IA now includes information showing that over 97% of registered firearms dealers are small and micro businesses and states that any exemption for these businesses would undermine the policy's aim of restricting the use of antique and reactivated firearms by criminals;
- includes, as a result of engagement with industry groups, an attempt to monetise the costs of the part of the proposals that would be implemented through secondary legislation (i.e. the power to amend the definition of an antique firearm). The IA would be improved by including indicative estimates of these costs. However, the RPC acknowledges that it may be disproportionate to gather this information at this stage, given that these impacts will be assessed in the IA that supports the secondary legislation, which will include information obtained through full public consultation;
- clarifies that the measure is domestic and has removed references to separate EU proposals.

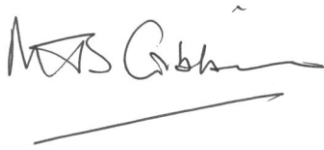
Departmental assessment

Classification	Qualifying regulatory provision (IN)
Equivalent annual net cost to business (EANCB)	Zero
Business net present value	Zero
Societal net present value	Zero

RPC assessment

Opinion: final stage IA
Origin: domestic
RPC reference number: RPC-3249(2)-HO
Date of implementation: 2017

Classification	Qualifying regulatory provision (IN)
EANCB – RPC validated ¹	£0.0
Small and micro business assessment	Sufficient
RPC rating (of initial submission)	Not fit for purpose



Michael Gibbons CBE, Chairman

¹ For reporting purposes, the RPC validates EANCB figures to the nearest £100,000.