



Ministry  
of Defence



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Defence Equipment & Support

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15 December 2017 Our Reference: FOI2017/10368

Thank you for your email dated 20 October 2017. You asked:

***In the last three calendar years (2015, 2016 and 2017 so far) what has been done with all guns, weapons and other ammunition that is no longer fit for use? For instance, it might be that the makes are of the weapons are outdated, that the weapons failed safety checks, or that they no longer work.***

***For this period, please outline the disposal costs for each year (if any) and if the weapons have been sold on to companies or sold at auction, please provide the details. For instance, who the auctioneers were, or who the companies were.***

***Please state whether the companies who purchased the weapons were based in the UK, and if they were based abroad.***

***Please also state whether any of these weapons and ammunition have been donated or sold to other nations.***

***If the MOD has made money from any sales of old weapons, please provide these details broken down by year, with, if possible, a breakdown of the weapon and ammunition sold, and the value - along with the total amount of money made each year (again, the years specified above).***

I am treating your email as a request for information in accordance with the Freedom of Information Act 2000 (FOIA). A search for the information has now been completed within the Ministry of Defence (MOD), and I can confirm that information in scope of your request is held.

Under Section 16 (Advice and Assistance) of the FOI Act (FOIA), I have interpreted *guns, weapons and other ammunition* to mean small arms and ammunition carried by an individual soldier. I have not included weapon systems such as missiles, torpedoes or artillery munitions.

It might also be helpful if I first explained that the Defence Equipment Sales Authority (DESA), part of DE&S, disposes of defence equipment that is surplus to requirement. For functioning

and viable large capital assets such as ships or aircraft, the first option that is usually considered is the possibility of selling to other governments for continued use in a military capacity.

When a Government-to-Government sale is not possible, the equipment is offered for commercial sale through specialist contractors, for continued use either in a non-military capacity or for recycling. The contractors take responsibility for collecting, storing, marketing and selling the equipment on DESA's behalf.

The sale of small arms and ammunition is strictly regulated by the UK Firearms Act 1968 and other legislation such as the International Non-Proliferation and Arms Control Regimes and DESA does not sell surplus weapons in the commercial market place.

It is Government policy that small arms which are declared surplus by the Ministry of Defence—other than automatic weapons which are routinely destroyed—are made available only to Governments, for use by acceptable military, paramilitary and police organisations, either directly or through duly licensed entities authorised to procure weapons.

Any small arms not sold to other Governments will be destroyed in line with tightly controlled procedures and sold as scrap metal. The destruction is undertaken by the company, QinetiQ as part of a contractual agreement with the MOD. The sale, as scrap metal, is undertaken by one of the DESA marketing contractors: Metal & Waste Recycling.

Within the period of your request no small arms or ammunition were gifted by DESA and no small arms were sold. Only one sale of small arms ammunition took place. A quantity of 0.338-inch ammunition was sold to the NATO Support and Procurement Agency in 2016.

In our letter to you dated 6 November 2017, I advised that we considered that some of the information fell within the scope of the following qualified exemptions: Section 27 (International Relations) and Section 43 (Commercial Interests). As such, it would be necessary for us to decide whether, in all the circumstances of the case, the public interest in maintaining the exemption outweighed the public interest in disclosure.

We have completed this work and concluded that the requested information does not fall within the scope of the qualified exemption provided for at Section 27. However, we did conclude that the sale price of small arms ammunition, the quantity sold and the disposal costs incurred by QinetiQ do fall within the scope of the qualified exemption provided for at Section 43 (2) of the FOIA and has been withheld.

Section 43(2) provides that information is exempt if its disclosure would, or would be likely to prejudice the commercial interests of any organisation or person holding it, including the MOD and its contractors.

The FOIA contains a presumption in favour of disclosure and there is a public interest in the release of information, which supports the accountability of the MOD for its use of public money; for example, to demonstrate that value for money is being obtained for taxpayers and that effective contractual processes are in place. Greater transparency of decision-making processes makes government more accountable and the release of information would allow an increased public understanding of how the procurement processes are undertaken in an open and honest way.

The Public Interest Test recognised that releasing information about sale prices, sale quantities and the cost of disposal for small arms and ammunition could weaken the MOD's

position in a competitive environment by revealing market sensitive information, which would be of use to potential buyers and to companies bidding in any future disposal competition. More widely, companies could be deterred from sharing commercially sensitive information with the MOD if they are unsure about whether their information would be protected.

Accordingly, the Public Interest Test concluded that the release of this information would prejudice the commercial interests of the MOD and that the balance of the arguments lay in favour of withholding the information to protect the commercial interests of the MOD and its customers. I have considered it necessary to apply the higher level of prejudice against release of the exempted information at "would" rather than "would be likely to".

If you wish to complain about the handling of your request, or the content of this response, you can request an independent internal review by contacting the Information Rights Compliance team, Ground Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail [CIO-FOI-IR@mod.uk](mailto:CIO-FOI-IR@mod.uk)). Please note that any request for an internal review should be made within 40 working days of the date of this response.

If you remain dissatisfied following an internal review, you may raise your complaint directly to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not normally investigate your case until the MOD internal review process has been completed. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website at <https://ico.org.uk/>.

Yours Sincerely,



DE&S Secretariat