



Home Office

## **FIREARMS LICENSING**

**PROPOSAL TO USE A LEGISLATIVE REFORM  
ORDER TO REMOVE SOUND MODERATORS  
FROM FIREARMS LICENSING CONTROLS**

**Government consultation**

This consultation begins on 21 February 2024

This consultation ends on 2 April 2024

## About this consultation

- To:** This is a public consultation. It is open to members of the public and organisations and bodies with an interest in firearms licensing in England, Wales and Scotland to respond to it.
- Duration:** From 21 February 2024 to 2 April 2024
- Enquiries (including requests for an alternative format) to:** Firearms and Weapons Policy Unit  
5<sup>th</sup> floor, Fry Building  
Home Office  
2 Marsham Street  
London SW1P 4DF
- How to respond:** Please submit your response by 2 April 2024 by -
- Completing the online form at:  
[www.homeofficesurveys.homeoffice.gov.uk/s/M2F0UW/](http://www.homeofficesurveys.homeoffice.gov.uk/s/M2F0UW/)
  - Email to:  
[Sound.Moderators.Consultation@homeoffice.gov.uk](mailto:Sound.Moderators.Consultation@homeoffice.gov.uk)
- Additional ways to respond:** Please contact the Firearms and Weapons Policy Unit (as above) if you require information in any other format, such as Braille, large font or audio.
- Response paper:** The responses to this consultation will be analysed, and depending on the outcome of the consultation, it is the Government's intention to seek Parliament's approval to the Legislative Reform Order as soon as is practicable.

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# 1. Introduction

1. This consultation paper sets out the Government's proposal for reforming the legislation governing the possession of sound moderators. We intend that the proposed change is made through a Legislative Reform Order (LRO) under the Legislative and Regulatory Reform Act 2006. Subject to the outcome of the consultation, we propose that the changes are implemented as soon as the Firearms Act 1968 is amended by the LRO.
2. Firearms and shotguns are held for a wide range of legitimate purposes. As of 31 March 2023, there were 147,140 firearm certificates and 500,894 shotgun certificates on issue in England and Wales, and 2,822 registered firearms dealers. In Scotland, there were 25,103 firearm certificates on issue, 43,796 shotgun certificates and 335 registered firearms dealers. The latest firearms licensing statistics for the year to March 2023 show that there are currently 198,602 sound moderators covered by firearms certificates.
3. Northern Ireland has its own firearms legislation, and this consultation is therefore primarily aimed at people, businesses and organisations in England, Wales and Scotland.

## The Government's proposal

4. Sound moderators are a firearm accessory that can be attached to a rifle barrel to reduce the sound and flash when the rifle is fired. A sound moderator is essentially a threaded tube which fits on or over the end of a rifle barrel and works by trapping and slowing down the gases produced by the propellant when the rifle is fired to eliminate the muzzle blast of the shot. It does not fully silence the 'crack' of the bullet but reduces the audible sound of the rifle by around three quarters. Sound moderators are used to protect shooters' hearing, to reduce the disturbance to others in the vicinity of shoots and to stop shooters being temporarily blinded by the muzzle flash of a shot. They are often fitted to firearms that are used in the control of vermin on farmland to prevent the spreading of disease among farm animals. They are entirely inert objects and contain no moving parts and do not of themselves create a risk to public safety.
5. Sound moderators are currently controlled under section 57(1)(d) of the Firearms Act 1968 which includes, in the definition of firearms, '*an accessory to a lethal barrelled weapon or a prohibited weapon where the accessory is designed or adapted to diminish the noise or flash caused by firing the weapon*'. This means that a firearms certificate from the police is required in order to possess a sound moderator.
6. The latest firearms licensing statistics for the year to March 2023 show that there are currently 198,602 sound moderators covered by firearms certificates. This incurs costs both for the individual in applying for a certificate at a current cost of £20 each time a variation is sought to purchase a new moderator and for registered firearms dealers in checking that a potential purchaser has the necessary authority to acquire the item. The gun trade estimate that they sell between 8,000 -12,000 sound moderators each year to firearms certificate holders. This figure does not include sound moderators for air guns which do not need to be licensed in England and Wales. The inclusion of sound moderators as part of firearms licensing controls also adds to the work of police firearms licensing departments, who are responsible for issuing and varying firearms

certificates, notwithstanding that a person can only be granted permission for a sound moderator if they hold a current firearms certificate and separate suitability checks are not therefore required. Nevertheless, the proposed change will free up some police licensing team resources and reduce the amount of data input currently required.

7. The proposal is to use section 1 of the Legislative and Regulatory Reform Act 2006 to remove the need for a person to obtain a firearms certificate for the purpose of having authority to possess a sound moderator by removing section 57(1)(d) of the Firearms Act 1968 altogether. This change would have no impact on the requirement to obtain a firearms certificate for any firearms that are held. The effect of the proposed change on the Firearms Act 1968 is set out below:

**The intended change to the Firearms Act 1968:**

Section 57 as worded now:

**57 Interpretation.**

- (1) In this Act, the expression “firearm” means—
- (a) a lethal barrelled weapon (see subsection (1B));
  - (b) a prohibited weapon;
  - (c) a relevant component part in relation to a lethal barrelled weapon or a prohibited weapon (see subsection (1D));
  - (d) an accessory to a lethal barrelled weapon or a prohibited weapon where the accessory is designed or adapted to diminish the noise or flash caused by firing the weapon;

and so much of section 1 of this Act as excludes any description of firearm from the category of firearms to which that section applies shall be construed as also excluding component parts of, and accessories to, firearms of that description.

Section 57 after the proposed change is made:

**57 Interpretation.**

- (1) In this Act, the expression “firearm” means—
- (a) a lethal barrelled weapon (see subsection (1B));
  - (b) a prohibited weapon;
  - (c) a relevant component part in relation to a lethal barrelled weapon or a prohibited weapon (see subsection (1D));

and so much of section 1 of this Act as excludes any description of firearm from the category of firearms to which that section applies shall be construed as also excluding component parts of, and accessories to, firearms of that description.

8. The proposed LRO will not impose any new restrictions or burdens on the possession of sound moderators by shooters and removes the requirement for them to obtain a certificate from the police in order to acquire or possess a sound moderator.

9. This consultation is being conducted in accordance with the provisions of section 13 of the Legislative and Regulatory Reform Act 2006. Information on LROs can be found on GOV.UK at: [www.gov.uk/government/publications/llegislative-reform-orders-guide-for-policy-officials](http://www.gov.uk/government/publications/llegislative-reform-orders-guide-for-policy-officials).
10. Further information on the Government's consultation principles can be on GOV.UK at: [www.gov.uk/government/publications/consultation-principles-guidance](http://www.gov.uk/government/publications/consultation-principles-guidance).
11. Views are invited on all aspects of this consultation paper.

### Parliamentary scrutiny

12. Both Houses of Parliament scrutinise draft Legislative Reform Orders. This is undertaken by the Business and Trade Committee in the House of Commons and the Delegated Powers and Regulatory Reform Committee in the House of Lords.
13. Each Committee might take oral or written evidence to help it decide these matters, and each Committee would then be expected to report.
14. Copies of the House of Commons Business and Trade Committee's reports are available on the Parliament website at: <https://committees.parliament.uk/committee/365/business-and-trade-committee/publications>. Copies of the House of Lords Delegated Powers and Regulatory Reform Committee's reports are available on the Parliament website at: <https://committees.parliament.uk/committee/173/delegated-powers-and-regulatory-reform-committee/publications>.
15. Contact details for the Scrutiny Committees who scrutinise Legislative Reform Orders can be found at:

Business and Trade Committee

Business and Trade Committee  
House of Commons  
London  
SW1A 0AA

[commonsbtc@parliament.uk](mailto:commonsbtc@parliament.uk)

Delegated Powers and Regulatory Reform Committee

Delegated Powers and Regulatory Reform Committee  
Legislation Office  
House of Lords  
London  
SW1A 0PW

[hdelegatedpowers@parliament.uk](mailto:hdelegatedpowers@parliament.uk)

### How to make your views known

16. Responding to this consultation document is your opportunity to make your views known to the Home Office as part of the consultation process. You should send your views to the Home Office using one of the options set out at the beginning of this consultation paper. When the Minister lays proposals before Parliament you are also welcome to put your views before either or both Scrutiny Committees. In the first instance, this should be in writing. The Committees will normally decide on the basis of written submissions whether to take oral evidence.

### Meeting preconditions and restrictions

17. The Government believes that the criteria for making a LRO have been met, as set out below.
18. The need for a firearms certificate to legally possess a sound moderator is a statutory requirement and the burden can only be removed by amending the primary legislation.
19. The proposed change to the definition of a firearm is proportionate to this objective and will not impact upon the other important control measures in the Firearms Acts or adversely affect public safety. Rather, it will reduce the burden of keeping a register which firearms dealers are obliged to do; simplify security stocktakes; reduce the amount of notification correspondence; reduce stock storage issues pending certificate authorisation; and ease the police-registered firearms dealers renewal inspection process.
20. These accessories were added to the controls at a time when there were concerns about the use of these devices by poachers, enabling them to shoot game illegally by reducing the noise of their rifles. Such concerns have dissipated over time and are now considered to be outweighed by the health and safety benefits to professional rangers and others in the exercise of their legitimate, lawful functions.
21. The LRO will not prevent the exercise of any right or freedom and is not constitutionally significant.

### Non-disclosure of responses

22. Section 14(3) of the Legislative and Regulatory Reform Act 2006 provides what should happen when someone responding to the consultation exercise on a proposed Legislative Reform Order requests that their response should not be disclosed.
23. The name of the person who has made representations will always be disclosed to Parliament. If you ask for your representation not to be disclosed, the Minister should not disclose the content of that representation without your express consent and, if the representation relates to a third party, their consent too. Alternatively, the Minister may disclose the content of the representation in such a way as to preserve your anonymity and that of any third party involved.

### Information about Third Parties

24. If you give information about a third party which the Minister believes may be damaging to the interests of that third party, the Minister does not have to pass on such information to Parliament if he or she does not believe it is true or if the Minister is unable to obtain the consent of the third party to disclose. This applies whether or not you ask for your representation not to be disclosed.
25. The Scrutiny Committees may, however, be given access on request to all representations as originally submitted, as a safeguard against improper influence being brought to bear on Ministers in their formulation of Legislative Reform Orders.

## 2. Questionnaire

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

**Q1. To what extent do you agree or disagree that the requirement to obtain a certificate from the police in order to acquire and possess a sound moderator should be removed?**

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

**Q2. To what extent do you agree or disagree that there is no risk to public safety in removing sound moderators from licensing controls?**

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

**Q3. To what extent do you agree or disagree that the health and safety benefits of using sound moderators are important.**

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

**Q4. To what extent do you agree or disagree that the criteria for making a Legislative Reform Order, as set out in paragraphs 17-21 above and summarised below, have been met?**

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

- (a) The need for a firearms certificate to legally possess a sound moderator is a statutory requirement and the burden can only be removed by amending the primary legislation.
- (b) The proposed change to the definition of a firearm is proportionate to this objective and will not impact upon the other important control measures in the Firearms Acts or adversely affect public safety. It will reduce the burden of keeping a register; simplify security stocktakes; reduce the amount of notification correspondence; reduce stock storage issues pending certificate authorisation; and ease the police-registered firearms dealers renewal inspection process.
- (c) The LRO will not prevent the exercise of any right or freedom and is not constitutionally significant.



**Q5. If you have any other comments on this consultation, please enter below.**

**Thank you for participating in this consultation.**

### 3. About you

Please use this section to tell us about yourself:

<b>Full name</b>	
<b>Job title</b> (if applicable)	
<b>Category</b> Please select, noting the category definitions below	Choose an item.
<b>Date</b>	
<b>Company name/organisation</b> (if applicable)	
<b>Address</b>	
<b>Postcode</b>	

#### Category definitions

- Please select ‘**Shotgun/firearms certificate holder**’ from the drop-down list in the table above if you are currently a certificate holder, and are responding to the consultation on that basis, rather than any other basis as described below.
- Please select ‘**Registered firearms dealer**’ only if you are a dealer registered with the police and are responding to the consultation in that capacity.
- Please select ‘**Member of the public**’ if you do not fall into any of the other categories listed.
- Please select ‘**Police/law enforcement**’ only if you are responding in an official capacity on behalf of a policing or law enforcement body, such as a police force or the National Police Chiefs’ Council. Do not select this category if you are responding with your own personal view as a police or law enforcement officer.
- Please select ‘**Community/Third Sector/Gun control**’ if you are responding on behalf of a body or organisation that falls within this category.
- Please select ‘**Rural organisation**’ if you are responding on behalf of a body that represents or champions rural interests.

- Please select '**Representative shooting body**' if you are responding to this consultation on behalf of such a body, and in which case please complete the table below. Do not select this category if you are a member of representative body but are responding in a personal capacity.
- Please select '**Other**' if you consider that you do not fall into any of the categories listed above; for example, if you are responding on behalf of a body that is not captured by any of the definitions set out above.

**If you are responding on behalf of a representative group**, please tell us the name of the group and give a summary of the people or organisations that you represent.

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## 4. Contact details and how to respond

Please submit your response by 2 April 2024 by -

- Completing the online form at:  
[http:// www.homeofficesurveys.homeoffice.gov.uk/s/M2F0UW/](http://www.homeofficesurveys.homeoffice.gov.uk/s/M2F0UW/) or
- Email to: [Sound.Moderators.Consultation@homeoffice.gov.uk](mailto:Sound.Moderators.Consultation@homeoffice.gov.uk)

### Complaints or comments

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

Firearms and Weapons Policy Unit  
5<sup>th</sup> floor, Fry Building  
Home Office  
2 Marsham Street  
London SW1P 4DF

### Extra copies

Further paper copies of this consultation can be obtained from the address above and it is also available online at:

<https://www.gov.uk/government/consultations/firearms-licensing-sound-moderators>

Alternative format versions of this publication can be requested from:

[Sound.Moderators.Consultation@homeoffice.gov.uk](mailto:Sound.Moderators.Consultation@homeoffice.gov.uk)

### Representative groups

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

## 5. Impact Assessment

A full impact assessment has not yet been completed but will be prepared using the information obtained about likely costs and savings submitted in response to this consultation. You are invited to submit any comments on the likely impact of these proposals as part of your response.





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