

Note: The following information does not replace the provisions contained in legislation; it is instead a short summary of the key aspects of the law. Full versions of the various statutes should be consulted for a comprehensive understanding.

1. - What is a firearm?

As defined under s.57(1) of the Firearms Act 1968 a firearm is:

'A lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged'

This includes:

- Any prohibited weapon (see 1.1)
- Any relevant component part of a lethal or prohibited weapon (see 1.2)
- Any accessory to any such weapon designed or adapted to diminish the noise or flash caused by firing the weapon (e.g. sound moderator or flash suppressor)

1.1 – Prohibited weapons

As set out under s.5(1) and s.5(1A) of the Firearms Act 1968, prohibited weapons include:

- Firearms designed or adapted to fire two or more missiles without repeated pressure on the trigger e.g. machine guns and burst fire weapons.
- Any self-loading or pump-action rifled gun, except those chambered for .22 rim-fire
- Any firearm with a barrel length of less than 30cm or an overall length of less than 60cm (this excludes air weapons, a muzzle-loading gun, or a firearm designed as a signalling apparatus) e.g. handguns and revolvers
- Any self-loading or pump-action smooth-bore gun (excluding air weapons or those chambered for .22 rim-fire cartridges) and either has a barrel less than 24" or overall length less than 40"
- Any smooth-bore revolver gun (except those chambered for 9mm rim-fire cartridges or a muzzle-loading gun)
- Any rocket launcher, or any mortar, for projecting a stabilised missile, other than a launcher or mortar designed for line-throwing or pyrotechnic purposes or as signalling apparatus
- Any air rifle, air gun or air pistol which uses, or is designed or adapted for use with, a self-contained gas cartridge system e.g. designs using tandem air cartridges
- Any rifle with a chamber from which empty cartridge cases are extracted using either energy from propellant gas or energy imparted to a spring or other energy storage device by propellant gas (except rifles chambered for .22 rim-fire cartridges)
- 'Bump stocks'
- Any weapon designed or adapted for the discharge of any noxious liquid, gas or other thing, e.g. stun guns, electric shock devices, CS / pava spray
- Any cartridge with a bullet designed to explode on or immediately before impact or one which contains any noxious thing
- Any firearm which is disguised as another object
- Any ammunition designed to be used with a pistol and incorporates a missile designed or adapted to expand on impact (includes hollow and some soft-point ammunition)

- Any ammunition of an incendiary nature designed so a substance in the missile with ignite on or before impact
- Any missile designed to explode on or immediately before impact and is for military use
- Armor-piercing ammunition
- Anything designed to be projected as a missile from any weapon and is designed to be or has been incorporated in any of the preceding prohibited ammunition, is also prohibited.

Lawful possession of any prohibited weapons will require written permission from the Secretary of State.

1.2 – Relevant component parts

These are the parts defined as licensable, relevant component parts under domestic legislation, when capable of being used as part of a lethal barrelled or prohibited weapon.

- Barrel, chamber or cylinder;
- Frame, body or receiver;
- Breech, block or bolt (or any other mechanism for containing the charge at the rear of the chamber)

2. Antique weapons

Section 58(2) of the Firearms Act 1968 conditionally exempts from the provisions of the firearms legislation, all antique firearms which are sold, transferred, purchased, acquired or possessed as curios or ornaments. This exemption does not apply to prohibited persons (described by section 21).

At the time of writing a statutory definition of 'antique' is due to be introduced to legislation. Until this provision is established, it remains for a jury or Magistrate to decide firstly whether a weapon is an 'antique', and secondly, whether the firearm was possessed as an 'ornament or curiosity'.

It is worth noting that whether a firearm is an antique or not is a question of fact, i.e. whether the person in possession genuinely believed that the firearm was an antique is irrelevant.

Pending a statutory definition, Home Office guidance recommends:

The following **SHOULD** be classed as antiques and therefore exempt (provided they are possessed as ornaments or curiosities):

- All muzzle-loading firearms
- Breech-loading firearms capable of discharging a rim fire cartridge other than .22 inch or .23 inch (or their metric equivalents), 6mm or 9mm rim fire
- Breech-loading firearms using ignition systems other than rim fire and centre fire (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)
- Breech-loading centre fire arms originally chambered for one of the obsolete cartridges listed in Appendix 5 of the Guidance, and which retain their original chambering
- Shotguns and punt guns chambered for the following cartridges (expressed in imperial measurements): 32 bore, 24 bore, 14 bore, 10 bore (2 and 2 inch only), 8 bore, 4 bore, 3 bore, 2 bore, 1 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.

However the following should **NOT** be classed as antiques (list is not exhaustive):

- Shotguns and smooth-bored guns, including shot pistols, chambered for standard shotgun cartridges, 22 inch, 23 inch, 6mm and 9 mm rim fire cartridges unless otherwise specified in the list of obsolete shotgun chamberings in Appendix 5 of the Guidance.
- Rifles and handguns chambered for .22 inch, .23 inch, 6mm or 9mm rim fire ammunition;
- 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 9 mm, unless otherwise specified in the list at Appendix 5;
- Modern reproduction firearms or old firearms which have been modified to allow the use of shotgun cartridges or cartridges not listed in Appendix 5;
- Weapons extensively modified after 1939;
- Signalling pistols chambered for 1 and 1 1/2 inch cartridges or 26.5mm/27mm cartridges;
- Pump-action and self-loading centrefire rifles, except those examples originally chambered for one of the obsolete cartridges listed in Appendix 5 of the Guidance and retaining their original chamberings

3. Imitation firearms

Section 57(4) of the Firearms Act 1968 defines an 'imitation firearm' as any thing which has the appearance of being a firearm (other than a weapon as is mentioned in section 5(1)(b) of that Act) whether or not it is capable of discharging any shot, bullet or missile.

Further provisions cover specific types of imitation firearm and impose further controls on affected types:

1. Readily convertible imitation firearms

s.1(1) Firearms Act 1982 defines this as: *'an imitation firearm [that] has the appearance of being a firearm to which section 1 of the 1968 Act (firearms requiring a firearm certificate) applies; and...it is so constructed or adapted as to be readily convertible into a firearm to which that section applies'*.

Here 'readily convertible' means "it can be so converted without any special skill on the part of the person converting it and the work involved in converting it does not require equipment or tools other than such as are in common use by persons carrying out works of construction and maintenance in their own homes."

These are treated as 'firearms' under Firearms Act 1968 and therefore require a license to possess, purchase or acquire.

It is worth noting that the provisions of the 1982 Act apply whether or not the imitation firearm is actually converted. The offence of conversion into a firearm is set out in s.4(3) of the 1968 Act which makes it clear that it is an offence to "convert into a firearm anything which, though having the appearance of being a firearm, is so constructed as to be incapable

of discharging any missile through its barrel.' This does not apply to registered firearms dealers.

2. Realistic imitation firearm

s.38 Violent Crime Reduction Act 2006 defines this as: *'...an imitation firearm which...has an appearance that is so realistic as to make it indistinguishable, for all practical purposes, from a real firearm; and...is neither a de-activated firearm nor itself an antique.'*

It is an offence to manufacture, bring into or cause to be brought into Great Britain, or sell realistic imitation firearms. It is also an offence to modify an imitation firearm to make it more realistic.

Certain statutory defences and permitted activities are contained within the legislation and may allow manufacture, import and sale under certain conditions. Refer to the full statute for more information.

4. Air weapons

These are defined under s.1(3)(b) and s.57(4) as:

"an air rifle, air gun or air pistol which does not fall within section 5 (1) (a) and which is not of a type declared by rules made by the Secretary of State under section 53 of the Firearms Act to be specially dangerous".

Low powered air weapons are not licensed in England or Wales and do not Firearms fall under the Firearms Act 1968, bar the following exceptions:

- Those deemed 'specially dangerous' by the Firearms (Dangerous Air Weapons) Rules 1969. This is the case for air weapons capable of discharging a missile with kinetic energy in excess, in the case of an air pistol, of 6 foot lbs or, in the case of other air weapons, 12 foot lbs.
- Any air weapon designed or adapted for use with a self-contained gas cartridge system (this is a classed as a prohibited weapon under s.5(1)(af) Firearms Act 1968.

5. Ammunition

Under s.57 (2) Firearms Act 1968 ammunition is defined as:

'ammunition for any firearm and includes grenades, bombs and other like missiles, whether capable of use with a firearm or not, and also includes prohibited ammunition.'

It is therefore illegal to sell, acquire or possess any of the 'ammunition' as defined above without the relevant certificate or, in the case of prohibited ammunition, written permission from the Secretary of State.

The few exceptions to this are as follows:

- Cartridges containing five or more shot, none of which exceeds .36 inch in diameter;
- Ammunition for an air gun, air rifle or air pistol; and

- Blank cartridges not more than one inch in diameter measured immediately in front of the rim or cannellure of the base of the cartridge

Please note that that exemptions do not apply in the case of prohibited persons (as defined in s.21 Firearms Act 1968)

6. Importation from other EU member states – subject to change after the end of transition period 01/01/2021.

New acquire firearms and shotguns, component parts and ammunition which fall under **sections 1 and 2** of the Firearms Act 1968 can be imported to the UK from other EU member states providing:

1. You have a transfer licence issued by the exporting EU state; and
2. The transfer licence (or a document referring to it) accompanies the firearms at all times until they reach their UK destination and can be produced on demand to a Police or Border Force officer; and
3. You are a registered firearms dealer or a firearm or shotgun certificate holder authorised under the 1968 Act to acquire and possess the firearms in question, unless you are otherwise exempt from the need to hold a certificate.

Those weapons falling under **section 5** of the Firearms Act 1968 may be imported to the UK providing:

1. You have a transfer licence issued by the exporting EU state, and
2. You have an import licence issued by the Import Licensing Branch (ILB) i.e. the Department for International Trade, and
3. The transfer licence (or a document referring to it) accompanies the firearms at all times until they reach their UK destination and can be produced on demand to a Police or Border Force officer; and
4. You are a registered firearms dealer authorised under the 1968 Act to possess the firearms in question

7 – Importation from non-EU member states (rest of world)

An import license issued by the Department for International Trade will be required for the following:

1. Lethal firearms, including any lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged and other weapons of whatever description designed or adapted for the discharge of any noxious liquid, gas or other thing;
2. Deactivated firearms irrespective of their age,
3. Component parts (other than wooden gun stocks) of any such firearms or other weapons and any accessory to any such firearm or other weapon designed or adapted to diminish the noise or flash caused by firing the weapon;
4. Ammunition including grenades, bombs, and other like missiles, and any ammunition containing or designed or adapted to contain any noxious liquid, gas or other thing.

An important license is usually not required for the following (though this is subject to change from time to time):

1. Cartridges for smooth-bore guns containing five or more shot, none of which exceeds 0.36 inch (9 mm) in diameter;
2. Blank cartridges not exceeding one inch (25.4 mm) in diameter;
3. Air weapons or weapons powered by compressed carbon dioxide not declared to be “specially dangerous” under the firearms (dangerous air weapons) rules 1969; (
4. Ammunition for air guns, air rifles or air pistols;
5. Articles manufactured in 1899 or earlier except for deactivated firearms;
6. Any item not classified to chapters 93 or 97 of the Combined Community Tariff including vehicles, ships and aircraft incorporating a firearm.
7. Any component of ammunition.

Import requirements now include mandatory firearms marking requirements.

Failure to follow the correct procedure may lead to prosecution under s.170 Customs and Excise Management Act 1979. If found guilty you could face an unlimited fine and up to life imprisonment.

Statute referred to:

Customs and Excise Management Act 1979 - <https://www.legislation.gov.uk/ukpga/1979/2>

Firearms Act 1968 - <https://www.legislation.gov.uk/ukpga/1968/27/body>

Firearms Act 1982 - <https://www.legislation.gov.uk/ukpga/1982/31>

Violent Crime Reduction Act 2006 - <https://www.legislation.gov.uk/ukpga/2006/38>

Useful resources:

CPS guidelines - <https://www.cps.gov.uk/legal-guidance/firearms>

Department for International Trade: Notice to Importers 2897 - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/664447/Notice_to_Importers_2897_-_New_Open_General_Import_Licence_dated_4_December_2017.pdf

Department for International Trade: Notice to Importers 2922 - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/819047/Notice-to-Importers-2922-Imports-of-firearms-and-ammunition-import-licensing-arrangements-2017.pdf

Firearms and the Law, (Law Commission Paper) - https://s3-eu-west-2.amazonaws.com/lawcom-prod-storage-11jsxou24uy7q/uploads/2015/07/Firearms_and_the_Law_R-Fortson_090715.pdf

Home Office Guidance - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/518193/Guidance_on_Firearms_Licensing_Law_April_2016_v20.pdf