



THE FIREARMS (AMENDMENT) REGULATIONS 2010

Commencement date: 28th July 2010

Extent: England, Wales, Scotland & Northern Ireland

Introduction and summary

The Firearms Acts (Amendment) Regulations 2010 will come into effect on the 28th July 2010. The effect of the regulations is - on this date - to raise the age at which people in England, Wales and Scotland may purchase or hire firearms or ammunition from the current 17 years of age to 18. There are also changes to Northern Ireland legislation.

The regulations stem from the European Weapons Directive 1991 as amended in 2008. The UK are obliged to adopt changes within two years of any new Directive being passed. The main changes are within Article 5 which sets the age at which young persons may purchase firearms. This document outlines those changes and how they are to be implemented into UK legislation.

There are other areas which will be affected such as Registered Firearms Dealers' registers, blank firing imitation firearms and deactivated firearms, but these will not come into effect for some time yet.

Below is the amended Article 5 of the EU directive which shows the basis for the changes that the UK are adopting;

Without prejudice to Article 3, Member States shall permit the acquisition and possession of firearms only by persons who have good cause and who:

(a) are at least 18 years of age, except in relation to the acquisition, other than through purchase, and possession of firearms for hunting and target shooting, provided that in that case persons of less than 18 years of age have parental permission, or are under parental guidance or the guidance of an adult with a valid firearms or hunting licence, or are within a licensed or otherwise approved training centre;

The wording requires two changes to UK legislation. The first is to raise the purchase age to 18 years and the second to ensure that adult or parental supervision is applied to under 18 year olds. The following outlines those changes according to the types of firearm.

General changes

Air weapons

The Violent Crime Reduction Act 2006 previously raised the age at which air rifles and pistols could be purchased to 18 years. This already complies with the EU directive.

Carrying shotguns or firearms and ammunition for sporting purposes – Section 11(1) of the Firearms Act 1968

This exemption allows a person without a certificate to carry a firearm or ammunition to which section 1 of the 1968 Act applies, or shot guns, under the instruction of another person. The person must hold a certificate for those firearms and the bearer may only carry them on behalf of the other person where the firearms are for that other person's use for sporting purposes only. It does not entitle the bearer to use the firearm or shot gun.

This exemption is amended to say that where the bearer is aged under 18, the certificate holder must be aged 18 years or older.

Possession at race meetings – Section 11(2) of the Firearms Act 1968

Section 11(2) i.e. possession of firearms for race starting at athletic meetings will be amended to prohibit persons under 18 from having possession in these circumstances.

Section 2 Shotguns

Purchase/sale to minors – Section 22(1) & 24(1) of the Firearms Act 1968

The purchase age is raised from 17 years to 18 years. The law is also amended to make an offence to sell to under 18's. This does not affect the age at which a young person may be granted a shotgun certificate nor does it affect the gifting of shotguns to persons aged 15 years or older.

15-17 year olds, gifting and use

The parent or guardian signature required by the certificate application form for anybody under 17 was deemed to be compliant with the EU Directive. This age group are still allowed to be on private premises with an assembled shotgun without supervision.

Hire of shotguns – Section 24 of the Firearms Act 1968

It is currently illegal for persons under 17 to hire shotguns; this age will be raised to 18 years.

Borrowing shotguns - Section 11(5) of the 1968 Act

Section 11(5) of the 1968 Act allows an individual, without holding a shot gun certificate, to borrow a shot gun from the 'occupier' of private premises and use it on those premises in the occupier's presence.

This exemption is amended to require the lender to be aged 18 or over whenever the *borrower* is aged less than 18 years. This does not affect the ability of a certificate holder of 15 or above as the occupier of private land, to lend a shotgun to a certificate holder who is 18 or older.

IMPORTANT – Subject to the above, in addition for under 15's the law remains unchanged, that is to say they may borrow a shotgun under this exemption but only when accompanied by an adult aged 21 years or older or while the shotgun is so covered with a securely fastened gun cover that it cannot be fired.

Section 1 Firearms

Purchase/sale to minors – Section 22(1) & 24(1) of the Firearms Act 1968

The purchase age is raised from 17 years to 18 years. The law is also amended to make an offence to sell to under 18's. This does not affect the age at which a young person may be granted a firearm certificate i.e. 14 years and upwards, nor does it affect the gifting of firearms and ammunition to persons aged 14 years or older.

Hire of firearms and ammunition – Section 24 of the Firearms Act 1968

It is currently illegal for persons under 17 to hire firearms and/or ammunition, this age will be raised to 18 years.

Borrowing rifles – Section 16 – 1988 Firearms (Amendment) Act

As the estate rifle exemption allows those aged 17 years of age to borrow a firearm, the exemption will be amended to meet the EU Directive requirement for people under 18 to have "parental permission, or be under parental guidance or the guidance of an adult".

When lending to the 17 year old age group, the lending occupier or servant must always be 18 or over. For *borrowers* who are 18 years or older, the lender may include certificate holders aged 14 years upwards providing they are an occupier or servant of an occupier and hold a firearm certificate for the rifle being lent under the provisions of Section 16.

Northern Ireland

The Firearms (Northern Ireland) Order 2004 – Article 7

Minor amendments are made to Article 7 to make reference to the prohibition on purchase but not acquisition and possession of firearms by under 18's.

When a person under the age of 18 but who has attained the age of 16 makes an application for a firearm certificate there is now a requirement for parent or guardian permission to be supplied in writing with certificate applications made by this age group.

Subsection (3)(b) of Article 7 currently requires young people to be supervised for a 12 month period by a person who has held a certificate for a minimum of 3 years and who is aged 21 or over. This is now amended to require the supervision to be in place from the point at which the certificate is issued until the person attains the age of 18.

Carrying shotguns or firearms and ammunition for sporting purposes

Schedule 1 Part 5 of the 2004 Firearms (Northern Ireland) Order 2004 allows a person without a certificate to carry a firearm or ammunition under the instruction of another person. The person must hold a certificate for those firearms and the bearer may only carry them on behalf of the other person where the firearms are for that other person's use for sporting purposes only. It does not entitle the bearer to use the firearm or shot gun.

This exemption will be amended to say that where a non certificate holder is the person possessing the firearm on behalf of another and is aged less than 18 years, the certificate holder who they are under instruction from, must be aged 18 years or over.

Other matters

The EU Directive has bearing on the following subject areas, but these latest UK regulations do not address these areas

Electronic dealers registers

The Home Office have opted to deal with the matter of electronic dealers' registers in 2014. BASC will produce further information when available.

Blank firing imitations

This matter is still under discussion; new specifications for the manufacture of blank firing guns will be made by regulations under the Violent Crime Reduction Act 2006 and will also be compliant with the EU Directive.

Deactivated firearms

There are two issues on the horizon within this subject area, the first being the recent Home Office consultation on deactivated firearms ownership and the second is EU changes to deactivation specifications. The Home Office element is on the back burner pending discussion about additional EU Directive requirements. However it is likely that current British specifications will be acceptable and the EU Directive will not be driving a drastic review, though some change are expected to be made to deal with criminal aspects such as reactivation.

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