EXPLANATORY MEMORANDUM TO

THE FIREARMS (AMENDMENT) RULES 2005

2005 No. 3344

1. This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Description

2.1 The purpose of this Statutory Instrument is to correct a discrepancy in the Firearms Rules 1998 between Condition 2 of the shot gun certificate form (set out in Part 2 of Schedule 2) and rule 5(4)(ii). Condition 2 erroneously states that the holder of the certificate must *without undue delay* inform the police of theft, loss or destruction of the certificate and/or the theft, loss, deactivation or destruction of any shot gun to which it relates. Rule 5(4)(ii) requires the certificate to be subject to the condition that the holder must give the information *within 7 days* of the event.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 The Statutory Instrument that requires correction is the Firearms Rules 1998 (S.I. 1998/1941) and this was reported in the 47th Report of the JCSI in 1997-8.

3.2 The Home Office accepted in a memorandum to the JCSI dated 30 October 1998 that condition 2 of Schedule 2, Part II should stipulate that the information must be given "within 7 days" and not "without undue delay". The Home Office then stated that the condition would be amended at the next appropriate opportunity and, in the meantime police forces had been asked to amend any shot gun certificates that they issued so that Condition 2 correctly reflected rule 5(4)(ii).

4. Legislative Background

4.1 The Firearms Rules 1998 were in relation to the Firearms Act 1968, the Firearms (Amendment) Act 1988 and the Firearms (Amendment) Act 1997 but a typographical error was made when the rules were drafted.

4.2 Condition 2 of the shot gun certificate form (set out in Part 2 of Schedule 2 to the Rules) provides that the holder of the certificate must *without undue delay* inform the police of theft, loss or destruction of the certificate and/or the theft, loss, deactivation or destruction of any shot gun to which it relates. However, rule 5(4)(ii) requires the holder of the certificate to give the information *within 7 days* of the event, and section 34(1) of the Firearms (Amendment) Act 1997 imposes the same 7 day time limit in relation to giving notice of the deactivation, destruction or loss of a firearm to which the certificate relates.

4.3 The Home Office accepted in a memorandum to the JCSI dated 30 October 1998 that condition 2 of Schedule 2, Part II should stipulate that the information must be given "within 7 days" and not "without undue delay". The Home Office apologised for the error and stated that the condition would be amended at the next appropriate opportunity. In the interim all police forces were asked to amend any shot gun certificates that they issued so that Condition 2 correctly reflected rule 5(4)(ii).

5. Extent

5.1 This instrument applies to Great Britain.

6. European Convention on Human Rights

6.1 As the instrument is not subject to Parliamentary procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The Firearms Rules 1998 were in relation to the Firearms Act 1968, the Firearms (Amendment) Act 1988 and the Firearms (Amendment) Act 1997 but a typographical error was made when the rules were drafted.

7.2 The objective of the Firearms Act 1968 (as amended) was to consolidate previous firearms legislation and make provisions for the possession, handling and distribution of firearms and ammunition which aided in the prevention of crime and the protection of public safety. The Firearms Rules 1998 provided detailed information about the process of applying for firearms and shot gun certificates and prescribed the forms that should be used.

7.3 The Home Office planned to correct the error in the Firearms Rules 1998 when we had a package of changes to make to the Rules. However, since no other changes are in prospect in the near future and seven years has elapsed since the error was first identified we believe that it is time to make the correction.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 The impact on the public sector is that police forces will no longer need to amend the shot gun certificate to ensure that Condition 2 accurately reflects rule 5(4)(ii).

9. Contact

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