EXPLANATORY MEMORANDUM TO

THE FIREARMS (FEES) REGULATIONS 2019

2019 No. 1169

1. Introduction

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

2. Purpose of the instrument

2.1 The purpose of this instrument is to enable new fees to be charged by the Secretary of State and the Scottish Ministers for:

- the grant, renewal or variation of an authority under Section 5 of the Firearms Act 1968 (the 1968 Act) (authority to possess, manufacture, sell etc. prohibited weapons or prohibited ammunition);
- an approval under section 15 of the Firearms (Amendment) Act 1988 (the 1988 Act) (approved rifle clubs and muzzle-loading pistol clubs); and,
- a licence under the Schedule to the 1988 Act (licence for firearms and ammunition in museums).

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

3.2 As the instrument is subject to negative resolution procedure, there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

4. Extent and Territorial Application

4.1 The territorial extent of this instrument is England and Wales, and Scotland.

4.2 The territorial application of this instrument is England, Wales and Scotland.

5. European Convention on Human Rights

5.1 As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

6. Legislative Context

6.1 Authorisations relating to prohibited weapons and ammunition are granted under section 5 of the 1968 Act. Approvals for shooting clubs are granted under section 15 of the 1988 Act and licences relating to prohibited weapons and ammunition for museums are granted under the Schedule to the 1988 Act.

6.2 Applications for these authorisations are administered by the Home Office and the Scottish Government, with advice from the police, to provide additional assurance, national consistency and national oversight. They are distinct from certificates for civilian firearms and shotguns under Section 1 and Section 2 of the 1968 Act, which are administered by the police.

6.3 Section 132 of the Policing and Crime Act 2017 amended the provisions set out in paragraph 6.1 to introduce new charging powers for the grant, renewal or variation of such authorities, approvals and licences.

7. Policy background

What is being done and why?

7.1 Fees are being amended to ensure that there is compliance with one of the general principles in Managing Public Money[1], that of recovery of reasonable costs (of administering the applications service), such costs being borne by, variously, the Home Office, the Scottish Government and the police.

7.2 Currently, no fees are charged in respect of Section 5 authorisations under the 1968 Act. Neither the fees for club approvals nor the fees for museums licences under s15 and the Schedule to the 1988 Act respectively meet the cost of administering applications.

7.3 The new fees are (with certain exceptions for museums) intended to recover the cost of administering applications from those who benefit from the licences, rather than being borne by the wider tax payer.

7.4 The main application and renewal fees are illustrated in the table below. Full details of the fees introduced by the instrument, including fees for applications to vary licences, are in the Government's response to the consultation here: https://www.gov.uk/government/consultations/firearms-licensing-fees

Application type	**Previous Fee**	**New Fee**
Museum firearms licence first time	£200	£200
Museum firearms licence renewal	£200	£200
Approved shooting club first time	£84	£444
Approved shooting club renewal	£84	£372
Section 5 prohibited weapons dealer first time	No fee	£796[2]
Section 5 prohibited weapons dealer renewal	No fee	£747[2]
Section 5 prohibited weapons carrier first time	No fee	£569
Section 5 prohibited weapons carrier renewal	No fee	£540

7.5 The types of variation applications attracting fees are categorised according to type as follows:

- A - substitution/addition of premises; change to weapons/ammunition;
- B - substitution/addition of person named on authority;
- C - any other change, except for a type D variation); and,

1 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/686462/MPM_2018.pdf
2 Dealers making an application to the police to be a registered firearms dealer (RFD) as part of their Section 5 application will be subject to a discount from their fee equal to the amount of their fee to the police (currently £200). This will avoid double payment. As the dates for RFD and Section 5 renewal are synchronised after grant, the discount will ordinarily apply to renewal applications. The discount will not apply to some first-time applications, if the applicant is already an RFD.

- D - approval of armed guard specifically in connection with licences issued to Private Maritime Security Companies.

7.6 Given that the museums involved are publicly funded and act in the public interest, the Government has decided to maintain the current museum firearms licence fee level of £200 for the grant and renewal of these licences. This will be a discount of £463 and £402 on the estimated costs of administering these applications, which will be borne by the wider taxpayer.

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

8.1 This instrument does not relate to withdrawal from the European Union or trigger the statement requirements under the European Union (Withdrawal) Act.

9. Consolidation

9.1 This instrument does not create a need for consolidation.

10. Consultation outcome

10.1 The Government held a public consultation, using an online questionnaire, on proposed fees between 12 January 2017 and 9 March 2017. The consultation set out proposed fee levels for Home Office administered firearms licences based on the estimated costs to the Home Office and the police of administering such licences.

10.2 There were almost five thousand responses to the consultation. Amongst respondents to the online survey, less than 15% agreed with the principle of full cost recovery. Almost all responses were opposed to the new fees.

10.3 The consultation included a commitment to review the fees before implementation. The Home Office has reviewed its costs and discussed the proposals with shooting organisations who represent fee payers, including the National Rifle Association, the National Small-Bore Rifle Association, the Gun Trade Association, the British Shooting Sports Council, and the British Association for Shooting and Conservation in the light of the consultation responses. New and revised data was used and, following discussions with fee payer's representatives, it was agreed that it was reasonable not to recover certain costs, including the costs of the online licensing system and the costs incurred by the Home Office licensing team on work that is not directly related to handling applications. The review led to fees that are approximately 58% lower than those proposed in the consultation. However, the fees will still recover the direct cost of administering licence applications. In addition, the Government has decided to maintain the current fee level of £200 for the first grant and renewal of a museum licence.

10.4 A summary of the responses and the Government's response (including a table setting out the new fees) is available on gov.uk at https://www.gov.uk/government/consultations/firearms-licensing-fees

11. Guidance

11.1 A summary of the fees will be provided on the Home Office's online application system and in a forthcoming revision of the Home Office's Guide to Firearms Licensing Law (available on gov.uk at

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/518193/Guidance_on_Firearms_Licensing_Law_April_2016_v20.pdf).

12. Impact

12.1 The total impact on business, charities or voluntary bodies who hold firearms authorisations issued by the Home Office or Scottish Government is expected to be a cost of around £345,000 per year.

12.2 The impact on the public sector is expected to be income of around £345,000 a year.

12.3 A full Impact Assessment is submitted with this memorandum and will be published alongside the Explanatory Memorandum on the legislation.gov.uk website.

13. Regulating small business

13.1 The legislation applies to activities that are undertaken by small businesses.

14. Monitoring & review

14.1 The approach to monitoring of this legislation is to review the fees levels periodically.

14.2 The Regulations do not include a statutory review clause.

15. Contact

15.1 Paul Nicol at the Home Office Telephone: 0207 035 1535 or email: paul.nicol@homeoffice.gov.uk can be contacted with any queries regarding the instrument.

15.2 Nick Hunt, Head of Serious Violence Unit at the Home Office can confirm that this Explanatory Memorandum meets the required standard.

15.3 Nick Hurd, Minister for Policing and the Fire Service at the Home Office, can confirm that this Explanatory Memorandum meets the required standard.