

POLICING AND CRIME ACT 2017 – FAQs

Ammunition which expands on impact

What was the law?

Expanding ammunition was classified as prohibited under Section 5 of the 1968 Firearms Act. Accordingly, special authority had to be added to a firearm certificate for the possession of expanding ammunition and expanding bullets, requiring additional administration by the police. Additionally, expanding ammunition could not be held on a Section 7 Temporary Permit (issued where the police delay in renewing a certificate) thus limiting a person's ability to carry out pest, predator and deer population management to protect livestock, growing crops and timber.

What is the aim of the amendment?

This reverts to Section 1 and is a major success. This will be hugely beneficial to BASC members and the gun trade. BASC has been campaigning for this since 1997 when expanding ammunition went into the prohibited category. The expanding missiles have no legal status as they are just inert lumps of metal/plastic.

The amendment removes the prohibition on expanding rifle ammunition introduced by the 1997 Firearms (Amendment) Act. Expanding rifle ammunition will therefore revert to Section 1 of the 1968 Act i.e. the same status as a solid bulletted ammunition.

Expanding pistol ammunition will remain controlled in the UK. The EU Weapons Directive 91/477/EEC of the 18 June 1991 prohibited expanding pistol ammunition except for certain purposes e.g. humane dispatch. Pistol cartridge ammunition for rifles will be exempt where it is loaded specifically for rifles of the correct proof. The loading and ballistic qualities, i.e. chamber pressure, must be taken into account rather than the appearance or cartridge dimensions.

Who will this help?

The gun trade will no longer require the Secretary of State's authority to manufacture. Couriers for the gun trade will no longer have to treat expanding ammunition as prohibited weapons for which extra requirements exist for its security and movement. Loose expanding bullets will not be subject to recording in a dealer's register of transactions.

For firearm certificate holders (personal purchases) couriers such as Royal Mail currently ban the movement of 'ammunition' and expanding bullets through their service because of the 'face to face' transfer requirement in law. As a result of this amendment, expanding bullets will no longer be caught by 'face to face' transfer requirement and will be able to be purchased via mail order, subject to service provider terms and conditions.

Mail order importation from abroad will no longer be prohibited as such bullets fall outside import controls.

Owners of large calibre rifles designed for hunting dangerous game abroad e.g. .375 (9.3mm) may now zero and practice in Britain using expanding ammunition which they will be using overseas.

Authorised lending and possession of firearms for hunting etc.

What was the law?

The law allowed a non-certificate holder to possess a shotgun or rifle and use it in the presence of the 'occupier' of private premises i.e. land (including land covered by water) and use it on those premises. The rifle exemption is age limited in the case of the borrower to those aged 17 or over.

In the case of a rifle, the borrower is also authorised to use a rifle in the presence of the occupier's "servant" who must hold a certificate for that rifle.

What is the aim of the amendment?

The amendment was the result of a call from certain areas of the shooting community. It was designed to remove perceived uncertainty in the existing law as to who is an 'occupier' of premises for the purpose of lending a shotgun or rifle on that land.

What did occupier mean?

The law did not define occupier, nor had the Courts been called upon to define the term for the purposes of the Firearms Acts. BASC held a firm view that the existing law dating from 1968 had not posed a problem.

The definition accepted by the Firearms Consultative committee and subsequent government ministers has been taken from section 27 of the Wildlife and Countryside Act 1981. This states that *"occupier" in relation to any land, other than the foreshore, includes **any person having any right** of hunting, shooting, fishing or taking game or fish*". This includes verbal permission passed from those who, at common law or otherwise, have a right to further a permission for someone else to shoot.

What has changed?

The following conditions have to be met for the loan of rifles and shotguns to be lawful;

- The borrower of a rifle must be over 17.
- The borrower of a shotgun may be any age.
- The lender must be aged 18 or older (rifle and shotgun).
- The borrower must be in the presence of the lender i.e. in sight and earshot.
- The lender and borrower must comply with any conditions of the lenders certificate.
- The purpose of the loan is only for hunting animals, shooting game or vermin or shooting artificial targets.
- The lender must be;
 - a) a person who has the right to allow others to enter the premises for the purpose of hunting animals or shooting game or vermin, or
 - b) a person authorised by them in writing.

The current s11(6) exemption for shooting artificial targets with shotguns remains untouched.

Limited extension of firearm and shotgun certificates

What is the aim of the amendment?

The law makes it an offence to possess firearms without authority. If a firearm or shotgun certificate expires before the firearms licensing team have had time to renew then the applicant is in unlawful possession.

The amendment would allow a person to continue to possess firearms lawfully, for a limited period of eight weeks following the expiry of a firearm or shotgun certificate, on the provision that renewal application had been submitted to the police at least eight weeks before the expiry date.

This change in law will avoid the need to transfer guns to another authorised person or to a registered firearms dealer (RFD). Alternatively, it will reduce significantly the need for police to issue temporary permits to authorise continued possession.

Such permits do not authorise the possession of certain exempted prohibited weapons i.e. handguns for dispatch, trophies of war, heritage pistols, darting equipment and certain collectors' items. Permits also prevent the holder from purchasing section 1 ammunition or new firearms.

Who will this help?

Many people depend on their firearms for their livelihood and the inability to use their shotguns and firearms would undermine their ability to work. Pest and predator control are vital to protect livestock, crops and timber. The UK's burgeoning deer population also needs constant attention. Additionally, every certificate holder should be permitted full use of their possessions under human rights legislation and police delays caused by anything other than public safety concerns or national security fall foul of such legislation.

When will these amendments come into force?

Commencement of these firearms amendments will be set by Statutory Commencement Orders. The first tranche will be in Spring. It is envisaged that only the antiques provision and extension of certificate life will commence later in 2017 due to the need to formulate working practices.

All firearms provisions extend to England, Wales and Scotland.

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