

## **DEACTIVATED FIREARMS**

### **EU regulations and the Policing and Crime Act 2017**

#### **1. EU Regulations**

EU Regulation 2015/2403 came into effect on 8<sup>th</sup> April 2016. It applies to the UK automatically without the need for UK primary legislation for the regulation to apply to the UK market. For further details – <https://www.gov.uk/government/publications/deactivated-firearms-implementing-regulation-eu-20152403>

Regulation 2015/2403 only covers deactivation of the following categories of firearm:

<b>TYPES OF FIREARMS</b>	
1	Pistols (single shot, semi-automatic)
2	Revolvers (including cylinder loading revolvers)
3	Single-shot long firearms (not break action)
4	Break action firearms (e.g. smoothbore, rifled, combination, falling/rolling block action, short and long firearms)
5	Repeating long firearms (smoothbore, rifled)
6	Semi-automatic long firearms (smoothbore, rifled)
7	(Full) automatic firearms: e.g. selected assault rifles, (sub) machine guns, (full) automatic pistols
8	Muzzle loading firearms

Arms falling outside of the scope of the regulation i.e. the list above should continue to be deactivated in accordance with '*Specifications for the adaptation of shotgun magazines and the deactivation of firearms, revised 2010*'. Specifically, but not exclusively this will include rocket and grenade launchers, mortars, flare guns and artillery pieces.

#### **2. The Policing and Crime Act 2017**

On the 2<sup>nd</sup> May 2017 section 8A (which is inserted in the Firearms (Amendment) Act 1988) provides for the new offence of unlawful supply, or offer to supply, a defectively deactivated weapon to another person in the UK or any other Member State of the European Union.

The new offence will enable law enforcement to take action against the availability of firearms deactivated to inappropriate standards which, consequently, can be 'reactivated' and used in crime. This is consistent with the Law Commission recommendation to enforce the approved standards and builds on the steps taken by the UK and other Member States to establish minimum technical standards for the lawful transfer of deactivated firearms within the European Union.

Under new subsection 8A(4), a "defectively deactivated weapon" means a firearm which has either ceased to be a firearm - or is a firearm only by virtue of the Firearms Act 1982 (imitation firearms) - because it is no longer capable of discharging any shot, bullet or other missile, but which does not meet the technical

specifications published by the Secretary of State in relation to the deactivation of the type of weapon in question at the time of the offence. The current technical specifications are published here: <https://www.gov.uk/government/publications/deactivated-firearms-implementing-regulation-eu-20152403>

'Defectively deactivated' arms may only be made available for sale or gift to persons, all of whom are outside the EU, providing that the sale or gift results in the transfer of the weapon to a place outside the EU.

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