

# Offensive Weapons Act 2019

## Changes to firearm legislation

### The ban of certain rifles

The following definition has been added to Section 5 of the Firearms Act 1968 (prohibited firearms) & Article 45 (weapons subject to general prohibition) of the Firearms (Northern Ireland) Order 2004.

*“(ag) any rifle with a chamber from which empty cartridge cases are extracted using—*

- (i) energy from propellant gas, or*
- (ii) energy imparted to a spring or other energy storage device by propellant gas,*

*other than a rifle which is chambered for .22 rim-fire cartridges;”*

This definition is designed to catch self-unloading rifles that use either gas from a fired round or a spring arrangement to store energy from gas to extract fired cases. These are often referred to as MARS (Manually Activated Release System) or lever release firearms. They were targeted by UK law enforcement as they have a rapid fire rate compared to other types of firearm. The first shot is fired, the case is ejected, the action holds open and can be released quickly with a press of a button or lever, loading the next round to be fired. A number of these firearms on sale have large capacity magazines.

Compensation will be given to owners of these firearms. See below.

### The ban of bump stocks

The following definition has been added to Section 5 of the Firearms Act 1968 (prohibited firearms) & Article 45 (weapons subject to general prohibition) of the Firearms (Northern Ireland) Order 2004.

*“(ba) any device (commonly known as a bump stock) which is designed or adapted so that—*

- (i) it is capable of forming part of or being added to a self-loading lethal barrelled weapon (as defined in section 57(1B) and (2A)), and*
- (ii) if it forms part of or is added to such a weapon, it increases the rate of fire of the weapon by using the recoil from the weapon to generate repeated pressure on the trigger;”*

It may seem odd, but the law now refers to this ‘accessory’ being a ‘prohibited weapon’.

These items featured in an incident in America utilising semi-automatic full-bore rifles (which are banned in the UK). Parliament chose to ban them as a precautionary measure.

### Current status of lever release (MARS) rifles & bump stocks

These items are established in law (section 5(2) of the 1968 Firearm Act) as “prohibited weapons” from the passing of the Act (16<sup>th</sup> May). Subject to the following restrictions, “possession” is permitted until the surrender scheme is concluded.

For England, Wales and Scotland, the provisions are enacted only so far as it has the effect of prohibiting the purchase or acquisition, manufacture, sale or transfer, or purchase or acquisition for sale or transfer of those items.

For Northern Ireland, the provisions the provisions are enacted only so far as it has the effect of prohibiting the purchase or acquisition, or manufacture, sale or transfer, of those prohibited weapons.

It is also an offence under the Customs and import laws to attempt to import these items in any way.

### Surrender & compensation scheme for lever release (MARS) rifles and bump stocks

The newly prohibited items listed above will be required to be handed into police stations once Secretary of States regulations are produced by Government regarding surrender and payment claims.

Payment will however only be made in respect of RIFLES if the person meets the criteria below;

- That possession of the firearm to which the claim relates will become unlawful under the legislation i.e. it matches the definition of “ag” above.
- That the person making the claim had and was entitled to have the firearm in their possession on or immediately before 20th June 2018 by virtue of a firearm certificate held by them or by virtue of being a registered firearms dealer
- That on or before 20th June 2018 the person making the claim had contracted to acquire the firearm, and that person was entitled to have the firearm in their possession after that date by virtue of a firearm certificate held by them or by virtue of being a registered firearms dealer.

Payment will however only be made in respect of BUMP STOCKS if the person meets the criteria below;

- That the bump stock to which the claim relates will become unlawful under the legislation i.e. it matches the definition of “ba” above and is not just any old rifle or shotgun stock
- That the person making the claim had the bump stock in their possession on or immediately before 20th June 2018.
- That on or before 20th June 2018 the person making the claim had contracted to acquire the bump stock they are making a claim for.
- That the person making the claim did not import the bump stock into the United Kingdom on or after 4th December 2017.

## Conditions applying to certain firearms: England and Wales and Scotland & Northern Ireland

The Firearms Act 1968 is amended by inserting new Section 27A (Conditions for storage of certain firearms).

The Firearms (Northern Ireland) Order 2004 is amended by inserting new Article 6A (Conditions for storage of certain firearms).

These provisions came into being on passing of the Offensive Weapons Act (16<sup>th</sup> May).

This provisions apply to a firearm if it is a rifle from which a shot, bullet or other missile, with kinetic energy of more than 13,600 joules at the muzzle of the weapon, can be discharged.

The Secretary of State and Department of Justice for Northern Ireland will prescribe conditions by regulations -

- subject to which a firearm certificate relating to a firearm to which section 27A & Article 6A applies must be granted or renewed, and
- which impose requirements as to the storage of a firearm to which section 27A & Article 6A applies and as to the security measures to be taken when such a firearm is in transit.

There will be, by law, a consultation before rules are made.

**BASC Firearms Dept  
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