

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

First Delegated Legislation Committee

DRAFT ANTIQUE FIREARMS REGULATIONS 2020

Monday 14 December 2020

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Friday 18 December 2020

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The Committee consisted of the following Members:

Chair: †DAVID MUNDELL

† Benton, Scott (<i>Blackpool South</i>) (Con)	† Malthouse, Kit (<i>Minister for Crime and Policing</i>)
† Butler, Rob (<i>Aylesbury</i>) (Con)	Mullan, Dr Kieran (<i>Crewe and Nantwich</i>) (Con)
† Elmore, Chris (<i>Ogmore</i>) (Lab)	Owatemi, Taiwo (<i>Coventry North West</i>) (Lab)
† Grundy, James (<i>Leigh</i>) (Con)	† Pursglove, Tom (<i>Corby</i>) (Con)
Hendrick, Sir Mark (<i>Preston</i>) (Lab/Co-op)	Richardson, Angela (<i>Guildford</i>) (Con)
Hillier, Meg (<i>Hackney South and Shoreditch</i>) (Lab/ Co-op)	Thompson, Owen (<i>Midlothian</i>) (SNP)
Johnson, Kim (<i>Liverpool, Riverside</i>) (Lab)	† Wild, James (<i>North West Norfolk</i>) (Con)
† Johnston, David (<i>Wantage</i>) (Con)	Liam Laurence Smyth, <i>Committee Clerk</i>
† Jones, Sarah (<i>Croydon Central</i>) (Lab)	
† Lewer, Andrew (<i>Northampton South</i>) (Con)	† attended the Committee

First Delegated Legislation Committee

Monday 14 December 2020

[DAVID MUNDELL *in the Chair*]

Draft Antique Firearms Regulations 2020

4.30 pm

The Chair: Before we begin, I remind Members to observe social distancing and to sit only in places that are clearly marked. *Hansard* colleagues would be most grateful if Members could send their speaking notes to hansardnotes@parliament.uk.

The Minister for Crime and Policing (Kit Malthouse): I beg to move,

That the Committee has considered the draft Antique Firearms Regulations 2020.

It is a great pleasure to appear under your guiding hand for the first time, Mr Mundell. The regulations were laid before the House on 9 November. This country has some of the toughest gun controls in the world, and we keep them under review to safeguard against abuse by criminals and terrorists. The Offensive Weapons Act 2019 banned certain rapid-firing rifles and devices known as bump stocks, and we have just begun a three-month surrender-and-compensation scheme to take these and other dreadful weapons out of civilian possession. On 24 November, we launched a public consultation on a range of firearms safety issues, including security requirements for high-powered rifles. The draft regulations before us today will prevent criminals from exploiting a lack of clarity in the law to gain possession of antique firearms for use in crime.

Under the Firearms Act 1968, antique firearms that are possessed, purchased, sold or acquired as a curiosity or ornament are exempt from most of our firearms laws, including licensing control. Unfortunately, the Act does not define “antique firearm”. The Home Office issues on guidance on which firearms can safely be regarded as antique, but criminals have been taking advantage of the lack of legal definition to obtain old but functioning firearms.

The number of antique firearms recovered each year in criminal circumstances increased from four in 2007 to 96 to 2016. The number of recoveries has since decreased, but remains unacceptably high. Ammunition capable of being used with the firearm was also present in more than half of recoveries. Sadly, there have been six fatalities since 2007 linked to the use of antique firearms. There have been several notable convictions in recent years, with substantial sentences being handed down by the courts. For example, a former firearms dealer was convicted and sentenced to 30 years’ imprisonment in 2017 for supplying antique firearms to criminal gangs.

The problem was highlighted in 2015 by the Law Commission, which recommended a statutory definition of “antique firearm” to stop criminals exploiting the lack of legal clarity. The Government accepted the recommendation and included provisions in the Policing and Crime Act 2017 to define “antique firearm” in regulation. The Home Office held a public consultation to seek views on the detail of the definition.

After careful consideration of the feedback, and following discussions with expert stakeholders on the technical aspects, I am pleased that we are now able to bring forward these important regulations. They will define in law which firearms can safely be regarded as antique, and therefore exempt from control, and which should be subject to licensing. They are based closely on the existing Home Office guidance, so will be familiar to law enforcement, collectors and dealers alike. They specify a cut-off date of manufacture, after which a firearm cannot qualify as an antique. They also specify a range of propulsion systems and obsolete cartridges that are safe to be regarded as antique.

When read with the relevant provisions in the Firearms Act 1968, the regulations will mean that to be regarded as an antique a firearm must be held as curiosity or ornament, have been manufactured before 1 September 1939 and either have a propulsion system specified in the regulations or be chambered for one of the obsolete cartridges also specified in the regulations. In the light of concerns raised by law enforcement, the list of obsolete cartridges does not include seven types which, together with their associated firearms, feature most often in crimes involving antique firearms. That means that those particular firearms will no longer be regarded as antique.

I realise that omitting those seven cartridges will not be popular with collectors, who will see a drop in the value of the associated firearms. However, public safety is paramount, and it is the Government’s duty to protect communities from gun crime. We are, however, being balanced in our approach to the problem. Existing owners of such firearms will be able to retain them on a firearms certificate, and we will make commencement regulations to allow a transitional period of three months for them to do so. We have also added another 23 obsolete cartridges to the list following advice from law enforcement that they will not present a danger to the public. That brings additional firearms into the definition of antique.

I want to ensure that the regulations remain relevant and effective, so there will be annual reviews to consider the latest developments in the criminal use of antique firearms. We will also carry out a full review of the regulations every three years, and law enforcement and representatives of collectors and dealers will be involved in those reviews. Public safety is our top priority, and the draft regulations will tackle the criminal of such firearms. I commend them to the Committee.

4.35 pm

Sarah Jones (Croydon Central) (Lab): It is a pleasure to serve under your chairmanship, Mr Mundell, and I thank the Minister for his remarks on the regulations; I do not intend to hold the Committee for long. The Opposition support the proposals to prevent the criminal misuse of antique firearms. I was pleased to hear from the Minister that we will have an annual review so that we can ensure that antique dealers who have no intention of committing any criminal acts are able to carry on and that the process works for them.

We are committed to working with the Government, police and other public bodies to reduce the opportunities for serious violence in our streets and homes. Today, we are discussing a technical piece of legislation that is limited in scope, but it has implications in the important task of reducing the number of dangerous weapons on

our streets. As the Minister said, from 2007 to 2020 there were six fatalities linked to antique firearms, and the National Ballistic Intelligence Service found a steep rise in the number of antique firearms recovered from crime scenes by law enforcement from four in 2007 to a peak of 96 in 2016.

The statutory instrument's principal objective, which the Opposition support, is to preserve public safety by strengthening firearms legislation to prevent the criminal misuse of antique firearms. The aim is to provide legal clarity on which old firearms are to be considered as antiques and safe to be held freely, and those that should be subject to licensing control.

Legislation to define and limit the availability of such firearms to criminals is a good thing. However, I take this opportunity, as the Minister would expect, to remind him that much more needs to be done to tackle the root causes of violent and organised crime, particularly those involving serious weapons. The Government's approach to reducing violent crime, knife crime in particular, has been inadequate. We need a long-term public health approach to public safety and the reduction of violent crime that includes preventive interventions as well as strong enforcement.

The Minister said that public safety is the Government's top priority but, as we know, under the Conservatives violent crime has risen by 150%. A decade of under-investment in policing has seen the loss of thousands of officers and a nearly 50% cut in police community support officers. Already overstretched, our police officers are dealing with the impact of cuts across the public sector, from policing to youth services, while enforcing covid measures and trying to maintain a reassuring visible police presence in our communities. The role of the police keeps expanding, but they are not getting the resources they need.

The regulations' impact assessment estimates that the new legislation will result in approximately 3,800 applications for new firearms licences, 8,900 applications for variations to existing licences, 31 applications for section 5 dealer licences, and 16 applications for museum licences. They provide a total set-up cost to the Home Office and police of just over half a million pounds, with ongoing costs of a quarter of a million pounds over 10 years. The total familiarisation cost to police forces' firearms licensing units—to ensure that officers have read the new guidance—is estimated at only £1,700.

Will the Minister explain any additional impacts on police forces that the increase in applications for certificates for the additional firearms will have? Will he also confirm that the money will be made available to enforcement officers and police forces before the regulations come into place?

Furthermore, the impact assessment notes:

“While the benefits have been robustly assessed there is no robust evidence to indicate that re-classifying antique firearms in this way will reduce firearms offences, serious injuries or homicides and therefore the monitoring and evaluation of these changes will be important.”

While the seven excluded type of cartridges in this legislation will hopefully make their way into the hands of fewer criminals as a result, regular monitoring will be necessary to ensure that the other 23 cartridge types that come under the definition of “antique firearm” to be held freely do not begin to be used by criminals instead. The Government must take every opportunity to ensure that no working firearms are falling through loopholes in the law and into the wrong hands.

To conclude, the Opposition do oppose this draft secondary legislation, but the Government should be doing much more alongside it to prevent violent crime and to keep the public safe.

4.39 pm

Kit Malthouse: I am grateful to the hon. Lady, although she slightly stretched the envelope in terms of the subject of the debate to bring in wider issues of violence, with which I have to say that I broadly agree. We all recognise that there has, sadly, been a rise in violence, and the reasons are complicated, but we are fully dedicated to driving it down. She will be reassured that recruiting 20,000 police officers will form a significant plank in our efforts to drive down violence and crime, as the Prime Minister and I did successfully in City Hall between 2008 and 2012, as I said earlier on the Floor of the House.

As for the hon. Lady's question about resources, the change can be tackled by forces and, indeed, the Home Office within existing budgets. In fact, it has been broadly welcomed by law enforcement across the country.

Question put and agreed to.

4.41 pm

Committee rose.

