

# FIREARMS BILL

## EXPLANATORY NOTES

### What these notes do

These Explanatory Notes relate to the Firearms Bill as brought from the House of Commons on 27 March 2023 (HL Bill 129).

- These Explanatory Notes have been provided by the Home Office with the consent of Lord Colgrain, the peer in charge of the Bill, in order to assist the reader of the Bill and to help inform debate on it. They do not form part of the Bill and have not been endorsed by Parliament.
- These Explanatory Notes explain what each part of the Bill will mean in practice; provide background information on the development of policy; and provide additional information on how the Bill will affect existing legislation in this area.
- These Explanatory Notes might best be read alongside the Bill. They are not, and are not intended to be, a comprehensive description of the Bill.

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# Policy background

## Miniature Rifle Ranges

- 1 There is an exemption in firearms law (section 11(4) of the Firearms Act 1968) which allows a person to run a rifle range or shooting gallery where only small calibre rifles or air weapons are used without the need for a firearms licence. Additionally, members of the public do not need a firearms licence to shoot at such a range or gallery. This exemption is widely used to introduce people to target shooting.
- 2 Law enforcement has raised concerns that the exemption may allow unsuitable people to gain access to firearms, with consequent public safety risks. The Firearms Safety Consultation<sup>1</sup> sought views on improving the controls on miniature rifle ranges while retaining the benefits that miniature rifle ranges present to shooting sports. The key proposal was that anyone who wishes to operate a miniature rifle range must apply for a firearms licence and undergo the necessary police checks into their background and security. 73% of those responding agreed or strongly agreed that the operator of a miniature rifle range should be required to have a firearm certificate, while 20% disagreed or strongly disagreed.
- 3 Many of these are also Home Office approved target shooting clubs, which possess an authorisation from the Secretary of State or, in Scotland, the Scottish Government.<sup>2</sup> These clubs use the 11(4) exemption to invite non-members to experience competitive shooting. Also, the exemption is used to enable young people to experience shooting through organisations such as the Scout Association and schools.
- 4 Other reported types of operators who use the 11(4) exemption are set out below. It is not known precisely how many of each type of operator there are, but it is likely that the numbers are relatively small nationally. The NSRA gave approximate numbers of operators that they are aware of, as follows:
  - sports centres running biathlon training/competitions (perhaps two);
  - commercial ranges or activity centres offering target shooting ‘experiences’ (around 15);
  - school and university shooting clubs (numbers unknown but thought to be low);
  - temporary ranges at shows, for example, game fairs (around four);
  - gun shops and armourers with ranges (numbers unknown but thought to be very low);
  - shooting training organisations (numbers unknown but thought to be very low);
  - pubs with bell target or tunnel ranges (around nine); and
  - fairground shooting galleries (nearly all now use air weapons).

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<sup>1</sup> Firearms licensing: A consultation on recommendations for changes made to the Home Office:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1165900/Consultation\\_document\\_-\\_29062023\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1165900/Consultation_document_-_29062023_.pdf)

<sup>2</sup> The National Small-Bore Rifle Association (NSRA) estimates that there are around 200 small-bore rifle clubs that use the section 11(4) exemption in Great Britain. Impact Assessment:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1090904/20220518\\_Miniature\\_Rifle\\_Ranges\\_IA\\_FINAL\\_1.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1090904/20220518_Miniature_Rifle_Ranges_IA_FINAL_1.pdf)

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- 5 There is uncertainty around the exact figures for the types of operators other than small-bore rifle clubs that use the 11(4) exemption, with a range of 20 to 50 operators and a central estimate of 35. It is therefore estimated that, including small-bore rifle clubs, there are approximately 220 to 250 operators who use the 11(4) exemption. As a result of the consultation, fairground trade representatives and those involved with bell target ranges contacted the Home Office to advise that the 11(4) exemption is still used, particularly in relation to air weapon ranges.
- 6 The concerns raised by law enforcement officers are that there is a risk to public safety because the legislation allows a person to buy and possess firearms without having undergone any assessment of their suitability:
  - no police checks, including criminal records checks, checks of medical suitability or assessment of ‘good reason’, are required for the operator of the miniature rifle range or members of the public shooting on the range;
  - the operator of the miniature rifle range can purchase miniature rifles and ammunition from a registered firearms dealer without being legally required to produce evidence of their authority to possess them; and
  - there is no legal requirement for the operator of the range to store the guns securely or to inform police of their possession of the firearms, their number or location.
- 7 It has been decided, therefore, to require operators of miniature rifle ranges to possess a firearms licence so that they are subject to police suitability checks, and also to re-define a miniature rifle and thereby clarify which firearms are appropriate to be used by persons who have not been subject to any suitability checks. The intended effects are to increase public safety and to clarify the law in respect of the type of firearm used on miniature rifle ranges.
- 8 This Bill would tighten the control of miniature rifle ranges by requiring the operator of such a range to first obtain a firearm certificate and by restricting such ranges to .22 rimfire weapons only. The requirement for a firearm certificate would not extend to lower-powered air weapons used on miniature rifle ranges (under 6 foot pounds for air pistols and under 12 foot pounds for air rifles) because a firearm certificate is not required in order to possess lower-powered air weapons in England and Wales.

## Ammunition

- 9 The key components of ammunition are the propellant and primer. The propellant helps to propel a projectile from a firearm by burning rapidly, while a primer consists of an explosive chemical compound that ignites the propellant. The remaining main components are the cartridge case and the projectile.
- 10 Although the key components are already controlled as described below, and there are offences relating to the unlawful possession of complete ammunition, law enforcement have expressed concerns that these controls are not sufficient to prevent criminals unlawfully manufacturing ammunition. In view of these concerns, the Firearms Safety Consultation<sup>3</sup> sought views on whether current controls on component parts of ammunition remained

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<sup>3</sup> Firearms licensing: A consultation on recommendations for changes made to the Home Office:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1165900/Consultation\\_document\\_-\\_29062023\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1165900/Consultation_document_-_29062023_.pdf)

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sufficient or whether they should be strengthened by making it an offence to possess component parts with intent to assemble unauthorised quantities of ammunition.

- 11 A majority (62%) of respondents agreed or strongly agreed that the possession of component parts of ammunition with intent to manufacture unauthorised quantities of complete rounds of ammunition should be made an offence. Over one quarter (28%) disagreed or strongly disagreed that this should be made an offence.
- 12 While supporting a new offence in principle, many respondents drew attention to the fact that a large number of law-abiding shooters reload ammunition to improve accuracy and to provide them with ammunition (for example, for vintage or historic firearms) that is not commercially available, as well as to save costs.
- 13 There was also a wide range of circumstances where the inert components of ammunition are possessed for perfectly lawful purposes such as film and theatre production; form part of antique or militaria collections; are incorporated in nick-knacks or fashion accessories; or are used by the providers of firearms safety training.
- 14 The Government accepts the view expressed that any legislation should be drafted in such a way that it does not inadvertently criminalise those who lawfully possess ammunition or component parts of it, and who do not intend to manufacture unauthorised rounds. However, it is also important that criminals should not be able to avoid prosecution by keeping the components in their unassembled state until such time as they are ready to be used and making it an offence to possess component parts with intent to assemble unauthorised quantities of ammunition is designed to enhance public safety. While possession of all components would go towards proving criminal intent, making this a necessary condition of prosecution could be further exploited by criminals seeking a loophole.

## Legal background

### Miniature Rifle Ranges

- 15 Section 1 of the Firearms Act 1968 (the 1968 Act) provides, subject to some exemptions, that an individual can only possess a firearm to which those sections apply if they have the relevant licence (certificate) from the police authorising them to possess such weapons.
- 16 The police carry out checks with regard to the suitability of applicants for, and the ongoing suitability of, holders of firearm licences. In addition, applicants and holders must have 'good reason' to possess firearms (sections 26A, 26B and 27 of the 1968 Act).
- 17 Section 11(4) of the 1968 Act allows a person to run a rifle range or shooting gallery where only miniature rifles not exceeding .23-inch calibre or air weapons are used, without the need for a firearms licence. Additionally, members of the public do not need a firearms licence to shoot at such a range or gallery. Section 11(4) is reproduced below:

*“A person conducting or carrying on a miniature rifle range (whether for a rifle club or otherwise) or shooting gallery at which no firearms are used other than air weapons or miniature rifles not exceeding .23 inch calibre may, without holding a certificate, have in his possession, or purchase or acquire, such miniature rifles and ammunition suitable therefor; and any person may, without holding a certificate, use any such rifle and ammunition at such a range or gallery.”*

## Ammunition

- 18 The key components of ammunition are already controlled (propellants and primers). The possession of propellants is controlled under the Explosives Regulations 2014 which require that, with certain exceptions, anyone wanting to acquire or keep explosives must hold an explosives certificate issued by the police. Primers are subject to control under section 35 of the Violent Crime Reduction Act 2006 which makes it an offence to sell or purchase primers, including empty cartridge cases incorporating primers, unless the purchaser is authorised to possess them, for example, by being a registered firearms dealer or by holding a firearm certificate authorising them to possess a firearm or ammunition of the relevant kind. The remaining component parts of ammunition, such as the lead bullets and cases, are not controlled.
- 19 It is an offence under section 1 of the 1968 Act to possess, purchase or acquire ammunition to which the section applies without holding a firearm certificate, or in breach of the quantities authorised by the certificate. The maximum penalty is 7 years' imprisonment (where the offence is committed in an aggravated form), or 10 years in the case of prohibited ammunition.

## Territorial extent and application

- 20 The Bill will extend and apply to England, Wales and Scotland. The miniature rifle range legislation would allow operators using lower-powered air weapons to do so without a licence in England and Wales. This is because it is possible to use lower-powered air weapon without a firearms licence (see section 1(3)(b) of the 1968 Act). However, it should be noted that air weapons are subject to a licensing regime in Scotland (see section 2(1) of the Air Weapons and Licensing (Scotland) Act 2015).

## Commentary on provisions of Bill

### Clause 1: Miniature rifle ranges and shooting galleries

- 21 Clause 1 substitutes a new subsection 3A and 4 to section 11 of the 1968 Act, with 4A clarifying the meaning of the terms used in subsection 4. The new subsection 3A sets out that subsection 4 applies to a person who is not the operator of a miniature rifle range of shooting gallery. Subsection 4 states that such a person may have in their possession a miniature rifle, or ammunition suitable for such a rifle, at a relevant miniature rifle range or shooting gallery without holding a firearm certificate, provided that the operator of the rifle range or shooting gallery has provided the rifle and ammunition. Subsection 4A clarifies subsection 4 by specifying that a "miniature rifle" means a rifle chambered for use with .22 rim-fire cartridges. In addition, it specifies that "operator" means a person conducting or carrying on a relevant rifle range or shooting gallery, and that "relevant miniature rifle range or shooting gallery" means a rifle range or shooting gallery at which no firearms other than air weapons or miniature rifles are used. Clause 1(3) makes a corresponding change to section 23(2)(b) of the 1968 Act concerning the use of air weapons and ammunition at a shooting gallery where rifles chambered for use with .22 rim-fire cartridges are used.

### Clause 2: Possessing component parts of ammunition with intent to manufacture

- 22 Clause 2 amends the 1968 Act by inserting a new section 3A, 'Possessing component parts of ammunition with intent to manufacture'. This makes it an offence if (a) the person has in their possession component parts of ammunition to which section 1 applies, (b) the person intends

to manufacture ammunition to which section 1 applies from the component parts, and (c) were the person to do so it specifies that (i) possession of the ammunition by the person would constitute an offence under section 1 (restriction on possession of ammunition), or (ii) the manufacture or possession of the ammunition by the person would constitute an offence under section 3 (restrictions on business and other transactions with ammunition).

- 23 Subsection 2 of new section 3A defines the terminology used in subsection 1.
- 24 Subsection 3 of the new section 3A sets out that (a) those convicted under this section on indictment will be subject to imprisonment for a term not exceeding 5 years or to a fine (or both); (b) on summary conviction in England and Wales, to imprisonment for a term not exceeding the general limit in a magistrates' court or to a fine (or both); (c) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum (or both).

### Clause 3: Extent, commencement and short title

- 25 This clause is self-explanatory.

## Financial implications of the Bill

### Miniature Rifle Ranges

26 The published Impact Assessment<sup>4</sup> for the Bill shows that the transition costs associated with familiarisation, variations and new certificates are estimated to be between £0.01 and £0.14 million, with a central estimate of £0.05 million (2021/22 prices). Ongoing costs of renewing firearm certificates, medical fees, police processing costs and General Practitioner (GP) processing costs are estimated in a range of £0.02 to £0.3 million in present values (PV), with a central estimate of £0.1 million (PV) over 10 years. Total costs are estimated in a range of £0.03 to £0.43 million (PV), with a central estimate of £0.16 million (PV) over 10 years. There is a benefit to the police from fees charged for new firearm certificates or variations to existing certificates and a benefit to GPs from fees charged for medical checks. The total benefit is estimated to be between £0.02 to £0.14 million (PV), with a central estimate of £0.06 million (PV) over 10 years. By reducing the risk that unsuitable people gain access to firearms, the policy is expected to increase public safety. Breakeven analysis indicates that there will be an overall positive net present social value (NPSV) if the policy leads to a reduction of six violence with injury offences over the 10-year period.

### Ammunition

27 The published Impact Assessment<sup>5</sup> for the Bill shows that the total cost over 10 years is estimated to be between £1.4 and £30.9 million in present values (PV), with a central estimate of £6.3 million (PV). Costs to the CJS to enforce the new offences are estimated to be £1.1 to £17.7 million (PV), with a central estimate of £4.4 million (PV). Estimated enforcement costs to the police are between £0.1 to £3.9 million (PV), with a central estimate of £0.8 million (PV). Any costs caused by the reduction in sales of ammunition component parts, from the proposed restrictions, have not been monetised due to a lack of data. There may be costs to

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<sup>4</sup> Impact Assessment:  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1090904/20220518\\_Miniature\\_Rifle\\_Ranges\\_IA\\_FINAL\\_1.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1090904/20220518_Miniature_Rifle_Ranges_IA_FINAL_1.pdf)

<sup>5</sup> Impact Assessment:  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1090904/20220518\\_Miniature\\_Rifle\\_Ranges\\_IA\\_FINAL\\_1.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1090904/20220518_Miniature_Rifle_Ranges_IA_FINAL_1.pdf)

non-licensed individuals who would have previously used component parts in a legal way. The total benefit is estimated to be between £0.0 and £4.4 million (PV), with a central estimate of £0.5 million (PV). This is made up entirely of fees paid to criminal defence lawyers. No other benefits are monetised. The intended benefit is a reduction in firearms crime. This has not been monetised due to lack of data on the extent to which these controls would reduce firearms crime. Break-even analysis shows that two homicides or 451 robberies would need to be prevented over 10 years for the benefits to exceed the costs.

## **Parliamentary approval for financial costs or for charges imposed**

28 The Bill did not require a money or ways and means resolution.

## **Compatibility with the European Convention on Human Rights**

29 Section 19 of the Human Rights Act 1998 requires the Minister in charge of a Bill in either House of Parliament to make a statement about the compatibility of the provisions of the Bill with the Convention rights (as defined in section 1 of the Act). However, it is not necessary for ministers to sign a statement under section 19 of the Human Rights Act 1998 in respect of compatibility with the ECHR if the Bill is a private member's bill.



## Annex A – Territorial extent and application in the United Kingdom

30 The provisions of this apply to England, Wales and Scotland.

| Provision | Extends to E & W and applies to England? | Extends to E & W and applies to Wales? | Extends and applies to Scotland? | Extends and applies to Northern Ireland? | Would corresponding provision be within the competence of the Senedd Cymru? | Would corresponding provision be within the competence of the Scottish Parliament? | Would corresponding provision be within the competence of the Northern Ireland Assembly? | Legislative Consent Motion sought? |
|-----------|--|--|----------------------------------|--|---|--|--|------------------------------------|
| Clause 1  | Yes                                      | Yes                                    | Yes                              | No                                       | No  | No   | No   | No                                 |
| Clause 2  | Yes                                      | Yes                                    | Yes                              | No                                       | No  | No   | No   | No                                 |



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