
STATUTORY INSTRUMENTS

1992 No. 2823

The Firearms Acts (Amendment) Regulations 1992

Documents for European purposes

5.—(1) After section 32 of the 1968 Act there shall be inserted the following sections—

“Issue etc. in Great Britain of documents for European purposes.

Documents for European purposes.

32A.—(1) Where a person is granted, or is the holder of, a certificate under this Act, he shall be entitled to be issued by the chief officer of police for the area in which he resides with—

- (a) a document (“a European firearms pass”) containing the required particulars; and
- (b) a document stating that, for the purposes of Article 7 of the European weapons directive, the holder of the certificate has the agreement of the United Kingdom authorities, for so long as the certificate remains in force, to any purchase or acquisition by him in another member State of any firearm or ammunition to which the certificate relates;

and an application for the issue of a document falling within paragraph (a) or (b) above may be made at the same time as any application for a certificate the grant of which will entitle him to the issue of the document or subsequently while the certificate is in force.

(2) Where—

- (a) a person who resides in Great Britain is proposing to purchase or acquire any firearm or ammunition in another member State;
- (b) that person is not for the time being the holder of a certificate under this Act relating to that firearm or ammunition;
- (c) the firearm falls within category B for the purposes of Annex I to the European weapons directive or the ammunition is capable of being used with such a firearm; and
- (d) that person satisfies the chief officer of police for the area where he resides that he is not proposing to bring that firearm or ammunition into the United Kingdom,

the chief officer of police may, if he thinks fit, issue that person with a document stating that, for the purposes of Article 7 of the European weapons directive, that person has the agreement of the United Kingdom authorities to any purchase or acquisition by him in another member State of that firearm or ammunition.

(3) For the purposes of subsection (1) above the required particulars, in relation to a person issued with a European firearms pass, are—

- (a) particulars identifying that person;
- (b) particulars identifying every firearm which—
 - (i) that person has applied to have included in a European firearms pass; and

- (ii) is a firearm in relation to which a certificate granted to that person is for the time being in force;
 - (c) a statement in relation to every firearm identified in the pass as to the category into which it falls for the purposes of Annex I to the European weapons directive;
 - (d) the date of the issue of the pass and the period from its issue for which the pass is to be valid;
 - (e) the statements required by paragraph (f) of Annex II to that directive (statements as to travel in the member States with the firearms identified in the pass).
- (4) For the purposes of this section the particulars of the firearms to which a shot gun certificate relates which are to be contained in a European firearms pass by virtue of subsection (3)(b) above are—
- (a) a description of the shot guns to which that certificate relates; and
 - (b) any identification numbers specified in or entered on that certificate in pursuance of section 28(2A) of this Act or in consequence of any person's compliance, in accordance with section 4(2) of the Firearms (Amendment) Act 1988 (formalities on transfer of shot guns), with any instructions contained in the certificate;
- and, accordingly, references in this Act to a firearm identified in such a pass shall include references to any shot gun of a description specified in that pass.
- (5) A European firearms pass shall contain space for the making of entries by persons authorised to do so under the law of any member State.
- (6) The period specified in a European firearms pass as the period for which it is to be valid shall be whichever is the shorter of the following—
- (a) the period until the earliest time when a certificate relating to a firearm identified in the pass expires; and
 - (b) the maximum period for the duration of that pass.
- (7) For the purposes of subsection (6) above the maximum period for the duration of a European firearms pass is—
- (a) in the case of a pass identifying only a firearm or firearms stated in the pass to fall within category D for the purposes of Annex I to the European weapons directive, ten years; and
 - (b) in any other case, five years.

Renewal of European firearms pass.

32B.—(1) On an application for the renewal by a chief officer of police of a certificate under this Act relating to a firearm identified in a European firearms pass, the holder of the certificate may apply to the chief officer of police for the renewal of the pass.

(2) Where—

- (a) a certificate relating to a firearm identified in a European firearms pass is to expire without being renewed; but
- (b) a certificate relating to another firearm identified in that pass will continue in force after the other certificate expires,

the holder of the pass may apply to the chief officer of police for the area in which he resides for the renewal of the pass subject to the deletion of the reference to any firearm to which the expiring certificate relates.

(3) Where, on an application to a chief officer of police under subsection (1) or (2) above—

- (a) the pass in question is produced to him; and
- (b) a certificate relating to a firearm identified in the pass is renewed or will continue in force after the time when the pass would (apart from its renewal) have ceased to be valid,

he shall renew that pass, subject to any appropriate deletion, from that time for whichever is the shorter of the periods specified in section 32A(6)(a) and (b) of this Act.

(4) Where a European firearms pass ceases to be valid without being renewed under this section, the chief officer of police for the area in which the person to whom it was issued resides may, by notice in writing, require that person, within twenty-one days of the date of the notice, to surrender the pass to him.

(5) It is an offence for any person to fail to comply with a notice given to him under subsection (4) above.

Variation, endorsement etc. of European documents.

32C.—(1) Where—

- (a) a certificate relating to a firearm identified in a European firearms pass or a certificate in respect of which an Article 7 authority has been issued is varied, revoked or cancelled under this Act;
- (b) the Secretary of State gives notice that any European firearms pass needs to be modified by the addition or variation of any such statement as is mentioned in section 32A(3)(e) of this Act; or
- (c) the holder of a European firearms pass applies to have particulars of another firearm added to the pass,

it shall be the duty of the chief officer of police for the area in which the holder of the pass or authority resides to make such variations of the pass or authority as are appropriate in consequence of the variation, revocation, cancellation, notice or application or, where appropriate, to cancel it.

(2) For the purpose of performing his duty under subsection (1) above the chief officer of police for the area in which any person who is or has been the holder of any certificate resides may, by notice in writing, require that person, within twenty-one days of the date of the notice, to produce or surrender to him any European firearms pass or Article 7 authority issued to that person.

(3) Where a person is for the time being the holder of an Article 7 authority issued under section 32A(2) of this Act by the chief officer of police for any area, the chief officer of police for that area may, if he thinks fit, at any time—

- (a) revoke that authority; and
- (b) by notice in writing require that person, within twenty-one days of the date of the notice, to surrender that authority to him.

(4) Where a firearm identified in a European firearms pass which is for the time being valid, is lost or stolen, the holder of the pass shall immediately—

- (a) inform the chief officer of police for the area in which he resides about the loss or theft; and
- (b) produce the pass to that chief officer for him to endorse particulars of that loss or theft on the pass.

(5) Where a firearm to which an endorsement under subsection (4) above relates is returned to the possession of the holder of the pass in question, the chief officer of police for the area

in which that person resides may, on the production to him of that pass, make such further endorsement on that pass as may be appropriate.

(6) It is an offence for any person to fail to comply with a notice given to him under subsection (2) or (3) above or with any obligation imposed on him by virtue of subsection (4) (a) or (b) above.

(7) Any reference in this section to the variation of a certificate includes a reference to the making of any entry on a shot gun certificate in pursuance of the requirement under section 4(2) of the Firearms (Amendment) Act 1988 (formalities on transfer of shot guns) to comply with instructions contained in the certificate.”

(2) In section 57(4) of the 1968 Act (interpretation)—

(a) after the definition of “air weapon” there shall be inserted the following definition—

““another member State” means a member State other than the United Kingdom, and “other member States” shall be construed accordingly;”

(b) after the definition of “area” there shall be inserted the following definition—

““Article 7 authority” means a document issued by virtue of section 32A(1)(b) or (2) of this Act;”

(c) before the definition of “firearms dealer” there shall be inserted the following definitions—

““European firearms pass” means a document to which the holder of a certificate under this Act is entitled by virtue of section 32A(1)(a) of this Act;

“European weapons directive” means the directive of the Council of the European Communities No. 91/477/EEC(1) (directive on the control of the acquisition and possession of weapons);”.

(3) In Part I of Schedule 6 to that Act (prosecution and punishment of offences), after the entry relating to section 30(4) there shall be inserted the following entries—

“Section 32B(5)..	Failure to surrender expired European firearms pass.	Summary...	A fine of level 3 on the standard scale.	—
Section 32C(6)..	Failure to produce European firearms pass or Article 7 authority for variation or cancellation etc., failure to notify loss or theft of firearm identified in pass or to produce pass for endorsement	Summary	3 months or a fine of level 5 on the standard scale; or both.	—”

(1) OJ No. L256, 13.9.91, p. 51.