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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force the provisions of the Anti-social Behaviour Act 2003 set out in articles 2 and 3 on 20th January 2003 and 27th February 2004 respectively either generally or to the extent specified.

The provisions set out in article 4 are brought into force on 27th February 2004 in England only.

Article 2(c)(iii) brings section 39(3) into force for certain purposes on 20th January 2004 and article 5(1) brings that section into force on 30th April 2004 for all other purposes including possession. Section 39 adds certain air weapons using a self-contained gas cartridge system to the categories of prohibited weapons under section 5 of the Firearms Act 1968. In addition to an authority from the Secretary of State, a firearms certificate issued under Part 2 of the Firearms Act 1968 is required to possess a weapon prohibited under section 5 of that Act.

From 20th January 2004 it will therefore be an offence to, without authority from the Secretary of State, purchase, acquire, manufacture, sell or transfer air weapons using a self-contained gas cartridge system and from 30th April 2004 it will also be an offence to possess such a prohibited weapon without authority from the Secretary of State. Section 39(4) of the Anti-social Behaviour Act 2003 permits existing owners of such weapons to continue to possess their weapons without an authority provided they obtain a firearm certificate.

Article 5(2) contains transitional provisions to allow anyone who has applied for a firearms certificate, or is appealing against the refusal of a firearms certificate, to lawfully possess their weapon pending the outcome of the application and/or appeal.