

ANTI-SOCIAL BEHAVIOUR BILL

AMENDMENTS TO FIREARMS LEGISLATION TO BAN THE SALE, TRANSFER, MANUFACTURE AND IMPORT OF WEAPONS USING THE SELF-CONTAINED AIR CARTRIDGE SYSTEM REGULATORY IMPACT ASSESSMENT

TITLE

- 1 To amend existing Firearms legislation so as to ban the sale, transfer, manufacture and import of weapons using the self-contained air cartridge system, and to impose a licensing system on those people who already possess them.

PURPOSE AND INTENDED EFFECT OF THE MEASURE

Background

- 2 The self-contained air cartridge system is designed to allow air weapons to fire using re-usable self-contained air cartridges which are charged by means of a separate pump or pressurised air supply and use readily available airgun pellets as projectiles. These weapons are, for the most part, conventional in operation and design and are made for distributors, by a number of European manufacturers, chiefly in Germany and Italy. The self-contained air cartridges themselves (the ammunition for these weapons) are manufactured in the UK by one company. The system has been available and on sale for 18 years but has become particularly popular in this country since the 1997 prohibition on handguns. It is estimated that at between 50,000 and 70,000 of these weapons have been sold in the UK in this time.
- 3 These air weapons are particularly vulnerable to conversion to fire live cartridges in a variety of straightforward ways. The weapons that have been converted in this way have become popular with criminals because of this. There are strong indications that converted airguns are the “entry-level” firearms for criminals who are insufficiently networked to acquire a “genuine” firearm. Their relatively low cost and ease of acquisition make them a practical choice for many criminals who would not otherwise carry a firearm. Over 100 modified self-contained air cartridge weapons have been submitted to the Forensic Science Service for examination in cases involving offences that range from possession of a prohibited weapon to attempted weapon and murder. The Government sees this as an issue of public safety.

Objective

- 4 The objective of the proposed change to legislation is to control the use of these weapons in gun crime, and to increase public safety.

Risk Assessment

- 5 The self-contained air cartridge system is easily converted in a variety of ways, which allow it to take conventional live fire ammunition. Under present laws they can be freely purchased by anyone over 17 years of age without a firearms certificate. These weapons have become increasingly popular with criminals because of their similarity to real firearms and because of the ease with which they can be converted to fire live ammunition. Despite the fact that conversion of the weapon can be

punished with a jail sentence of up to ten years, converted self-contained air cartridge airguns have been used to commit unsolved 50 and 60 murders and attempted murders since May 2001. There have been approximately 10 solved cases during this same period. The Forensic Science Service (FSS) has provided these figures. It must be noted here that these are only those cases where it has been the FSS have good intelligence to show that a converted self-contained air cartridge weapon was used to commit the crime. It is possible that the actual numbers for these offences are higher.

OPTIONS

- 6 At present weapons that use the self-contained air cartridge system are classified as air weapons. The laws covering air weapons allow anyone over the age of 17 to purchase such a weapon without the need for a firearms certificate. These weapons are extremely well constructed using heavy barrels and because of this are particularly vulnerable, in various ways, to conversion to fire live ammunition.
- 7 Five options have been considered as a solution to the problems associated with weapons using the self-contained air cartridge system:
 - **Option 1:** To seek a technical solution of changing the design and manufacture of the weapons in question.
 - **Option 2:** An outright ban on weapons that use the self-contained air cartridge system.
 - **Option 3:** A ban on importation.
 - **Option 4:** A licensing or certification system coupled with a ban on future sale, import and manufacture of weapons which use the self-contained air cartridge system.
 - **Option 5:** A straightforward licensing system for weapons that use the self-contained cartridge system.

Option 1

To seek a technical solution by changing the design and manufacture of the weapons in question.

- 8 The Home Office and the Forensic Science Service have been in detailed consultation with both the major importer of the self-contained air cartridge system (this company also manufactures the ammunition) and the Gun Trade association to ascertain whether it is possible to modify the design of the weapons so as to make them more difficult to convert. Unfortunately the discussions were unsuccessful, as nobody was able to come up with any modification which was either commercially feasible or which could not be overcome with relative ease.

Option 2

An outright ban on weapons that use the self-contained air cartridge system.

- 9 A disproportionate response to the problem which exists. Over 50,000 of these weapons have been sold and less than 1% of this total would appear to have been used in serious crime. It would also affect the sale of air cartridges.

Option 3

A ban on importation.

- 10 Without a prohibition on domestic sales we have been advised that this would not be achievable. Furthermore it would not prevent the UK importers and sales outlets from continuing to sell within the UK and so the self-contained air cartridge system would still be freely available to those people who convert these weapons for criminal misuse.

Option 4

A licensing system coupled with a ban on future sale, import and manufacture of weapons that use the self-contained air cartridge system.

- 11 This option clearly has some cost impact but would be limited to the businesses that import and sell the weapons that use the self-contained air cartridge system. It would impact on future sales and there would be a cost on businesses for those weapons which they already have in stock or are contractually obliged to buy at the time of implementing the legislation.
- 12 We are currently awaiting an estimate from the importer about likely size of stock they might have. We are currently unaware of the number of these weapons held by Firearms Dealers but this unlikely to be large.
- 13 Although this option would ban future manufacture, import and sale of these weapons, those people who currently own these weapons legally will be able to continue to do so, but only with a firearm certificate. Those owners who wish keep them would need to obtain a firearms certificate; those who did not would have to dispose of the weapon or be in breach of the law in relation to the possession of prohibited weapons.

Option 5

Introduce a licensing system only for weapons that use the self-contained air cartridge system

- 14 Introducing such a system would allow both the importer and Registered Firearms Dealers to continue to import and sell these weapons although all involved would actually need to register as firearms dealers with the police. Holders of the weapons would need to obtain firearms certificates but would be able to sell their weapons to other certificate holders and buy further weapons and parts if they so wished.
- 15 However, there was little support within the industry for a straightforward licensing system given that they were opposed in principle to a licensing system for all air

weapons. The Government has already indicated that it is not in favour of a licensing system generally on the basis that it was likely to prove unwieldy and unnecessarily bureaucratic.

- 16 Because of the especially dangerous nature of weapons that use the self-contained air cartridge system, the Government wishes to limit the numbers that are in circulation and to prevent future sales and transfers. The theft of air weapons account for more than half of all weapons reported as misappropriated in 2001/2002 (1,684 out of 2,910) and to continue to allow the sale and subsequent increase in the number of such readily convertible air weapons would represent an unacceptable threat to public safety.

COSTS AND BENEFITS

Business sectors affected

- 17 The business sectors affected will be the importers and sellers of the weapons and those who manufacture the self-contained air cartridges.

Assumptions

- 18 The following assumptions have been made:
- 18.1 The average cost of a self-contained air cartridge weapon is £200 (the cost of such weapons generally ranges from £70 to £350).
 - 18.2 The majority of the self-contained air cartridges used with these weapons are manufactured in the UK.
 - 18.3 In year 2001 approximately 200,000 new airguns were sold.
 - 18.4 Approximately 6,000 self-contained air cartridge system weapons (based on sales of 50,000 over 18 years and taking into account mounting sales since the prohibition on handguns in 1997) are sold each year
 - 18.5 The licensing of firearms is undertaken by the police will be based on a full cost recovery system under which the owners of firearms pay a fee for the issue of their certificate. There will be a cost to those people who wish to retain their weapon, namely the cost of a certificate which is £50 and which is valid for 5 years.
 - 18.6 There would be no cost to gun clubs and other businesses holding self-contained air cartridge system weapons already owned. The number held is assumed at 5,000 revolvers. They would simply require a variation to their club license. If banned the cost of replacement is estimated at £100 per gun.
 - 18.7 There may be an offsetting in savings because of an increase in sales of ordinary airguns.
 - 18.8 That the introduction of a licensing system alone would lead to a downturn in the number of these weapons purchased.

Benefits

- 19 There are unlikely to be any benefits to society of Options 1 and 3
- 20 By banning all air cartridge system weapons as proposed in Option 2 or adopting Option 4 (licensing plus ban on future sale, import and manufacture of weapons using the self-contained air cartridge system). The benefit would be a reduction in crime and fear of crime. There would be a gradual phasing out among the criminal community of “readily convertible” self-contained air cartridge system weapons which have become popular with criminals because of their ease of conversion to fire live-fire ammunition.
- 21 There are strong indications that converted airguns are the “entry-level” firearms for criminals who are insufficiently networked to acquire a “genuine” firearm. Their relatively low cost and ease of acquisition make them a practical choice for many criminals who would not otherwise carry a firearm. Over 100 modified self-contained air cartridge weapons have been submitted to the Forensic Science Service for examination in cases involving offences that range from possession of a prohibited weapon to attempted weapon and murder.
- 22 Despite that the fact that conversion of the weapon can be punished with a jail sentence of up to ten years, converted air cartridge airguns have been used to commit 60 and 70 murders and attempted murders.
- 23 It is unlikely that a full ban would be more beneficial than licensing plus ban on future sale etc as the guns are already out there and unlikely to be handed in by those intent on crime who already hold the weapon.

Costs

Business

- 24 Option 1 has no cost to business, as it could not be progressed.
- 25 Option 3 would have a major effect on business as the weapons are imported into the UK. There would be an annual loss of £1.2m (6,000 x £200).
- 26 Option 2 would cost business £2.2m in first year and £1.2m thereafter (all costs identified as policy costs):
- Loss of sales of weapons £1.2m (6,000 x £200) annual cost.
 - Stocks of weapons £1m (5,000 x £200) first year cost.
- 27 Costs to the public purse would be substantial as it would involve compensation, for existing owners of these weapons, of at least £10m (50,000 x £200).
- 28 Option 4 could cost business £2.2m first year cost and thereafter £1.2m annual cost.
- Loss of sales of weapons £1.2m (6,000 x £200) annual cost.
 - Stocks of weapons £1m (5,000 x £200) first year cost.

- 29 The introduction of a licensing system without a ban could reduce the sales of these weapons drastically. Many shooters use air weapons precisely because they do not have to obtain a firearms certificate nor have the attendant security requirements associated with it. To introduce this would at least double the cost of buying a basic self-contained air cartridge weapon. A reasonable estimation of the drop in trade for the company would be 33%. Option 5 could therefore cost the company £400,000 annually (2,000 x £200).
- 30 The major loss of sales would fall on the UK manufacturer of the self-contained air cartridges who have almost all of the market share.

Public Sector costs

- 31 The police will recoup their costs of licensing from individuals.
- 32 The police will make cost savings on investigations into murders committed by individuals using self-contained air cartridge weapons that have been converted. At present this figure stands at 60-70 murders and attempted murders. Investigation costs for the average murder stand at approximately £1m per case. The total is therefore £60 -70m.
- 33 We have estimated 15 prosecutions as a result of this provision. All will to be heard in the Crown Court as the offender would be charged with possession of a prohibited weapon. We assume there will be 5 guilty pleas and 10 contested hearings with 2 subsequent appeals. Court costs for each case will be £754 giving a total of £11,310. Legal aid costs have been calculated at £125,560 for the arrests and court cases and £5,800 for the 2 appealed cases. This totals £131,360. The grand total will be £142,670.

EQUITY AND FAIRNESS

- 34 See above

SMALL FIRMS IMPACT TEST

- 35 The estimated sale of the self-contained air cartridge system airguns is 6,000 per annum and represents approximately 2.5% of total airguns sold per annum. The impact on the UK importer of the self-contained air cartridge weapons is significant, even if they are still permitted to manufacture the self-contained cartridges used for those weapons. While the measures could lead to the close down of that business the overall impact on the market is small. Furthermore it is likely that some of the sales losses will be recouped by increased sales of ordinary airguns.
- 36 The Small Business Service has commented it "is concerned with the likely impact on small firms of both aspects of this proposed measure:
- 36.1 Firstly, the proposal to ban the sale, transfer, manufacture and import of weapons using the self-contained air-cartridge system will affect a number of companies in the supply chain, from manufacture to distribution and sale of these guns. This has not been fully quantified.

- 36.2 In particular, it will have a significant effect on the small UK manufacturer that has a large share of the UK market, and for whom production of the cartridges and finished guns is a major part of their business. We view the costs to business as being under-represented by a factor of two on a sales basis, and in being limited to sales value (ignoring wider impacts, particularly on manufacturers affected, e.g. on less profitable areas of work and the costs of any job losses). Further, that a simple single annual figure does not reflect the impact over a number of years to ongoing and growing business. We are concerned that it seems to be expected that businesses will simply bear these cost impacts, preventing them from being able to invest to pursue other lines of business.
- 36.3 Secondly, the proposed licensing approach for currently owned guns of this type, based on the current licensing regime and their small size, will cause them to fall into the category of prohibited weapons. This could then impose costly security requirements on owners (depending on the view of the local Crime Prevention Officer), reducing the value of retaining the guns and adversely affecting any residual maintenance and repair business for traders and manufacturers. This could amount to a *de facto* ban on existing ownership, with no proposal to offer compensation to existing owners to hand in their guns or to businesses for loss of trade.
- 36.4 Unless a more appropriate certification class for this type of air-weapon can be assured or created, we fear that an unintended consequence of the rise in ownership costs is that these currently unregistered guns could fall into the wrong hands at low cost; defeating the object of the measure.
- 36.5 We would like other approaches to be explored to take these concerns into account, failing which a fair compensation regime should be developed for those businesses most affected and to avoid the unintended consequences of licensing outlined above.”

COMPETITION ASSESSMENT

- 37 A Competition filter has been completed and is attached at Annex A. this shows that the regulation would be unlikely to affect the competitive process.

ENFORCEMENT AND SANCTIONS

- 38 Ensuring that the ban is carried out and enforcing the licensing requirement will be the responsibility of police forces.

CONSULTATION

- 39 The Home Office and the Forensic Science Service have been in detailed consultation with both the manufacturer of the self-contained air cartridges who is also the major importer/distributor of the weapons themselves and the Gun Trade Association.

MONITORING AND REVIEW

40 We will receive feedback from the Forensic Science Service on the level of use in criminal acts of converted self-contained air cartridge weapons. It is expected that in the first year crimes will still be committed using this type of weapon as some of these weapons will continue to be held by criminals. However as the weapons degrade (they can only be used to fire live ammunition on a limited number of occasions) their use should decrease if these measures are successful.

SUMMARY AND RECOMMENDATION

41 The Government is in favour of option 4. This will be achieved by the introduction of a ban to prohibit the sale, transfer, manufacture and import of weapons that use the self-contained air cartridge system and by introducing a system of licensing to allow those people who already possess these weapons to keep and use them legally. It believes this option to be proportionate to the problem faced. It will prevent the criminal element from purchasing these weapons for criminal misuse in the future but will allow those people who use this type of weapon safely and securely to retain ownership of them.

42 The cost to business of Option 4 is assessed at £2.2m in year 1 and £1.2m in year 2.

MINISTERIAL DECLARATION

43 I have read the Regulatory Impact Assessment and am satisfied that the benefits justify the costs

Signed by the responsible Minister

Bob Ainsworth

Date 26 March 2003

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Annex A

The competition filter	
Question	Answer yes or no
Q1: In the market(s) affected by the new regulation, does any firm have more than 10% market share?	Yes
Q2: In the market(s) affected by the new regulation, does any firm have more than 20% market share?	Yes
Q3: In the market(s) affected by the new regulation, do the largest three firms together have at least 50% market share?	No
Q4: Would the costs of the regulation affect some firms substantially more than others?	Yes
Q5: Is the regulation likely to affect the market structure, changing the number or size of firms?	Yes
Q6: Would the regulation lead to higher set-up costs for new or potential firms that existing firms do not have to meet?	No
Q7: Would the regulation lead to higher ongoing costs for new or potential firms that existing firms do not have to meet?	No
Q8: Is the market characterised by rapid technological change?	No
Q9: Would the regulation restrict the ability of firms to choose the price, quality, range or location of their products?	No