

DRAFT

REGULATORY IMPACT ASSESSMENT

1. Title of proposal

VIOLENT CRIME REDUCTION BILL - Amendment to firearms legislation to ban the sale of primers and reloading presses used to assemble ammunition to anyone without a valid firearm or shot gun certificate.

2. Purpose and intended effect

Objective

- 2.1 To make it more difficult for criminals to make ammunition.

Background

- 2.2 In his report into the Dunblane tragedy, Lord Cullen noted the anomaly that while whole rounds of ammunition were subject to licensing, the component parts (smokeless powder, primers, brass cartridge cases, lead bullets) were not. Lord Cullen did not make any recommendation on this point. Since then, the police have identified several cases where criminals had been found in possession of home-loaded ammunition. In one case, a criminal was found in possession of component parts of ammunition: while he was charged for other firearms offences the police were constrained in dealing with his possession of the components themselves. Some individuals have also sought to make ammunition for antique guns for which commercial ammunition is not available. There are currently no controls on the sale or possession of equipment used to handload ammunition.
- 2.3 Controls imposed by the Firearms Acts on the acquisition and possession of ammunition vary according to the classification of the ammunition. There are penalties for unauthorised possession of complete rounds of ammunition, whether new or re-loaded but not for its components (except for some missiles used with ammunition prohibited under section 5 (1A) of the Firearms Act 1968). There are some exemptions e.g. for people possessing ammunition at a Home Office approved club.
- 2.4 Section 1(1)(b) of the Firearms Act 1968 makes it an offence for a person to have in his possession, or to purchase or acquire, any ammunition to which that section applies without holding a valid firearm certificate, or otherwise than as authorised by such a certificate, or in quantities in excess of those so authorised.
- 2.5 Section 1(4) applies the section to any ammunition for a firearm except cartridges containing five or more shot (ie most shot gun ammunition); ammunition for air weapons; and blank cartridges not more than one inch in diameter.
- 2.6 Section 5 of the 1988 Firearms (Amendment) Act applies in essence to shot gun cartridges and makes it an offence for a person to sell them to another person in the UK who is neither a registered firearm dealer nor a person who

sells such ammunition by way of trade or business unless that other person produces a certificate authorising him to possess a shot gun; or shows he is entitled to possess such a gun without holding a certificate; or produces a certificate authorising another person to possess such a gun together with that person's written authority to purchase on his behalf.

Rationale for government intervention

- 2.7 The risks to public safety as a result of the criminal misuse of firearms are more than hypothetical. It is accepted that criminals might be able to obtain or improvise ammunition from a range of sources, of which home-loading is one. The Firearms Acts prescribe penalties for unauthorised possession of complete rounds of ammunition but not for components. The explosive elements, such as propellant and primers, are subject to certain controls under the Explosives Acts but only in substantial quantities. The inert elements, projectile and cartridge case, are generally not controlled. This has given rise to police concerns that in some cases members of criminal gangs have sought to escape prosecution by holding ammunition in component form, either themselves or with accomplices, and assembling it just before use. Nor are there any restrictions on obtaining reloading equipment which greatly facilitates the assembly of component parts into complete rounds although this can be done manually.

3. Consultation

- 3.1 The Home Office issued in May 2004 a consultation paper entitled *Controls on Firearms* which specifically invited views on whether there should be controls on the component parts of ammunition. It emerged that most registered firearms dealers already checked as a matter of good practice that anyone wanting to buy component parts had a firearm or shot gun certificate or otherwise had a legitimate use for such items. This practice was endorsed by a significant number of people who responded on this aspect of controls.

4. Options

- 4.1 The following options have been considered for making it more difficult for criminals to make ammunition.

Option 1 – Do nothing

- 4.2 Ammunition in component form is widely used by legitimate firearms users, who hand load either to achieve better accuracy and consistency than that offered by commercial ammunition or for economy. Leaving the law as it is could be said to be proportionate particularly in view of the existing code of good practice whereby dealers require sight of a certificate or other evidence of lawful possession before making a sale. However, welcome as it is, the code of practice offers no sanction in those cases where components are sold to people without such checks and a legal requirement is seen as being more effective.

Option 2 – license possession of components and ammunition reloading presses

- 4.3 Although certificates for section 1 ammunition require an entry showing the maximum amount authorised to be possessed at any one time and the

maximum amount to be purchased at any one time, it is accepted that seeking to control and account for the number of primers through a system of authorisation on a firearms certificate would be extremely bureaucratic and time consuming. Around 20 million primers are sold of various types every year and there is no way of accounting for their use.

Option 3 – Restrict the sale of primers and ammunition reloading presses to people with a valid firearm or shot gun certificate.

- 4.4 The preferred option is to ensure that primers and primed cases and ammunition reloading presses are only sold on production of a valid certificate by the purchaser which relates to a firearm which is capable of using the type of primer being purchased. This would be similar to section 5 of the Firearms (Amendment) Act 1988 which controls the sale of shot gun ammunition. The greater part of the 20 million primers sold in Britain each year is used to reload section 1 ammunition and the remainder used for other types of ammunition. That being so, it is not unreasonable that people wishing to purchase them for reloading should be required to show that they are in lawful possession of a suitable firearm.

Option 4 – Ban the sale of primers and reloading presses

- 4.5 Ammunition is frequently hand loaded by individuals wishing to achieve better accuracy and consistency than that offered by commercial ammunition and for economy. Banning the sale of primers and ammunition reloading presses, allowing only the sale of commercially made ammunition, would therefore be disproportionate.

5. **Costs and Benefits**

Sections and groups affected.

- 5.1 Measures to make it more difficult for criminals to make ammunition affect the following sectors and groups.
- communities which suffer the effects of gun crime
 - the police and criminal justice system which has to deal with offenders
 - shooting community – which uses ammunition responsibly
 - business – which sells primers and reloading equipment for ammunition

Benefits

- 5.2 There are no particular benefits to society of option 1 which would rely on the continuation of good practice to stop criminals from obtaining primers and components for nefarious purposes. Although communities might benefit from options 2 and 4, it is unlikely that the reductions in the availability of ammunition to criminals would be sufficient to justify the bureaucracy

associated with a licensing regime or the difficulties in enforcing a complete ban. Option 3 would give statutory force to current good practice and ensure that action can be taken by the police when primers are sold inappropriately.

Costs

- 5.3 The cost of option 1 can be measured in terms of the deaths, injury and fear caused by gun crime committed with ammunition assembled by criminals and criminal armourers.
- 5.4 Option 2 would be very costly to the police, who would be the licensing authority and have to deal with the near impossible task of accounting for the use of the 20 million or so primers which are sold every year.
- 5.5 Option 3 would have minimal cost to business as it reflects what most dealers already do in practice.
- 5.6 Option 4 would mean additional costs to the police and prosecution authorities in pursuing offenders and would also have a major effect on those businesses which currently sell the 20 million primers and ammunition reloading presses to legitimate users.

6. Small Firms Impact Test

- 6.1 Option 1 would not have any impact on small firms and Option 3 very little. Option 2 would be likely to result in some reduction in sales. Option 4 would have the most significant impact through loss of sales of the 20 million primers purchased by homeloaders each year from the 2000 or so registered firearms dealers.

7. Competition Assessment

- 7.1 There are no competition issues.

8. Enforcement, sanctions and monitoring

- 8.1 Enforcement would be a matter for the police and the maximum penalty would be in line with the existing offence of selling shot gun ammunition to a person without a certificate i.e. up to 6 months imprisonment or a level 5 fine or both. The offence will relate to both the person selling and the person buying the primer or ammunition reloading presses but not to possession. There will be the usual avenue of appeal against conviction to the Crown Court.

9. Implementation and delivery plan

- 9.1 The measures are included in the Violent Crime Reduction Bill. The sectors and groups most affected will be notified of the new provisions before they come into force.

10. Post implementation review

- 10.1 The Home Office will review the effectiveness of the new provisions by monitoring statistics for gun crime and feedback from the groups affected.

11. Summary and recommendation

The recommended option is option 3 which will enshrine current practice in legislation and enable the police to take action against those who seek to purchase primers to complete the illegal assembly of ammunition for criminal purposes.