

New Government De-activated Weapons Controls

The government's slow-burn but nevertheless knee-jerk reaction to being a member of the European Union in which another member state (France) suffered a massive terrorist attack (Paris) perpetrated by people using reactivated deactivated Kalashnikovs, sourced via mail order in Latvia, hit the statute book on 2nd May, and this is what it says:

128. Controls on defectively deactivated weapons

After section 8 of the Firearms (Amendment) Act 1988 insert—

“8A Controls on defectively deactivated weapons

(1) It is an offence for a person who owns or claims to own a defectively deactivated weapon—

(a) to make the weapon available for sale or as a gift to another person, or

(b) to sell it or give it (as a gift) to another person.

(2) Subsection [\(1\)\(a\)](#) does not apply if—

(a) the weapon is made available for sale or as a gift only to a person who is outside the EU (or to persons all of whom are outside the EU), and

(b) it is made so available on the basis that, if a sale or gift were to take place, the weapon would be transferred to a place outside the EU.

(3) Subsection [\(1\)\(b\)](#) does not apply if—

(a) the weapon is sold or given to a person who is outside the EU (or to persons all of whom are outside the EU), and

(b) in consequence of the sale or gift, it is (or is to be) transferred to a place outside the EU.

(4) For the purpose of this section, something is a “defectively deactivated weapon” if—

(a) it was at any time a firearm,

(b) it has been rendered incapable of discharging any shot, bullet or other missile (and, accordingly, has either ceased to be a firearm or is a firearm only by virtue of the Firearms Act 1982), but

(c) it has not been rendered so incapable in a way that meets the technical specifications for the deactivation of the weapon that apply at

the time when the weapon is made available for sale or as a gift or (as the case may be) when it is sold or given as a gift.

(5) The Secretary of State must publish a document setting out the technical specifications that apply for the purposes of subsection (4)(c) (“the technical specifications document”).

(6) The technical specifications document may set out different technical specifications for different kinds of weapon.

(7) The Secretary of State—

(a) may from time to time revise the technical specifications document, and

(b) where it is revised—

(i) must publish the document as revised, and

(ii) specify in it the date on which any changes to the technical specifications that apply for the purposes of subsection (4)(c) take effect.

(8) In the case of a weapon rendered incapable as mentioned in subsection (4)(b) before 8 April 2016, subsection (1)(a) or (b) does not apply if the weapon is made available for sale or as a gift, or (as the case may be) sold or given, by or on behalf of a museum in respect of which a museum firearms licence is in force to another museum in respect of which such a licence is in force.

(9) References in this section to “sale” include exchange or barter (and references to sell are to be construed accordingly).

(10) In this section, “museum firearms licence” means a licence granted under the Schedule to the Firearms (Amendment) Act 1988.

(11) A person guilty of an offence under this section is liable—

(a) on summary conviction—

(i) in England and Wales, to imprisonment for a term not exceeding 12 months (or, in relation to offences committed before section 154(1) of the Criminal Justice Act 2003 comes into force, 6 months) or to a fine, or to both;

(ii) in Scotland, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum, or to both;

(b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or to a fine, or to both.”

The simplistic interpretation is that nothing deactivated before the 'new' European spec came into force on 2nd May can be sold or gifted, except for export to someone outside the EU. In effect, they are 'out of proof' whether they ever received a deactivation proof mark or not. But unlike live guns 'out of proof', where resolutions and prosecutions are the responsibility of the proof masters, this trade is now crushed by the criminal law.

The effect on the War and Peace revival (in July) was interesting: far fewer de-acs on stands other than the specialists like D&B and World Wide Arms: rather more Spanish replicas about and a lot more air soft: blank firing MP40 machine pistols on sale at £499.

Replicas and blank firers are regulated by the Firearms Act 1982, to which are cobbled guidelines for making product that's not 'readily convertible'. Air soft products don't count as firearms on power output, even in Scotland: all these products are 'realistic imitation firearms' for the purposes of the Violent Crime Reduction Act 2006. That limits their sale to people with a good reason for having them – battle re-enactment, living history, display etc. and such 'good reasons' are evidenced to the retailer by way of the buyer's public liability insurance – a benefit of Shooters' Rights Association membership being but one example.

So far as 'defectively deactivated' stock goes, the upgrade was basically a pin across the magazine well of detachable magazine designs and a slot cut in the magazine so that only the magazine 'proofed' with the gun when checked by the proof house will lock in. Types with fixed magazines, such as the Mosin Nagant 1891/30 series require no modification. Pistols additionally require a pin to prevent disassembly.

The main problem is that of bad faith. The Home Office have over-written their own previous positions in a discreditable performance from a thoroughly discredited department that even the police ignore. That problem, since 1920, has been the 'independence' of chief constables, who seem to regard ignoring HO guidance to police on firearms matters as their God-given right.

Returning to the real world, where tens of thousands of collectors and re-enactors own 'defectively' deactivated kit, those owners **do not need to do anything to stay safe**. It's only a problem when you want to part with one before Brexit. You can't sell it, or give it away except to someone outside the EU: and that's bizarre. Why have what the government purports to be Europe-wide specifications if suitably adapted product has no free movement throughout the EU?

Back in the UK, you can hire out or lend defective de-acs, so if anyone's got an old-spec Sterling they'd like to lease me for 99 years, get in touch.

The ascendancy of air soft, replicas and blank firers is market-driven. They have the increased play value of moving parts – movie-makers can add flashes and bangs in post production – and are in most cases cheaper than real but deactivated firearms. Two years ago, War and Peace had a lot of 'deactivated' Sten guns on sale around the show: this year, none that I noticed. All those I looked at two years ago were cobble-ups – they'd never been real! And to get

caught up in the defective de-ac maelstrom, they have to have been firearms once upon a time, and that opens another can of forensic worms.

The 2017 Act, quoted above, only applies to firearms that have been real, so we'll see new de-ac products that never were real emerge, along with replicas and blank firers to fill the void. Old-spec pre-'95 de-acs will be considerably devalued by upgrading to the 2017 spec, and there's no point. The 2017 Act includes a residual power for the Home Office to change the spec *at any time*.

So much for it being Europe wide: if the Home Office can retrospectively amend the spec without notice any changes you have made to any currently defectively deactivated product could be rendered obsolete by a bureaucrat without him needing to tell you. It's now all such nonsense that the courts will probably overturn it in due course, and in any event it should go out of the window when we leave the EU. Except that our government has a track record of bad faith: after all, the Firearms Act 1920 was a wartime emergency power that should have been repealed in 1924 – and we're still waiting for any government to come along and demonstrate more respect for the people than Lloyd George ever had!