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This revised strategy have been produced and approved by the NABIS and the National Criminal Use of Firearms Group. It has been approved by NCOCC and VPP portfolio lead. The operational implementation of all guidance and strategy will require operational choices to be made at local level in order to achieve the appropriate police response and this document should be used in conjunction with other existing Authorised Professional Practice (APP) produced by the College of Policing. It will be updated and re-published as necessary.

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1. Deactivated Weapons

Key Points

- **Deactivated weapons are largely indistinguishable from those capable of firing.**
- **Many deactivated weapons will have a proof mark, but this should not lead to complacency in the handling of the weapon, which could be capable of firing.**
- **The requirement for a deactivated firearm to carry Proof House marks certifying deactivation is an evidential provision only, and firearms deactivated by other means may well no longer fulfil the definition of a firearm and thus no longer require domestic authority to possess/acquire/sell etc. These weapons may not have a Proof House mark.**
- **Depending upon when they were deactivated, some weapons are more easily reactivated than others.**
- **Some reactivation processes require only every day, readily available, tools.**
- **Reactivation practices can be carried out almost anywhere and do not necessarily require sophisticated workshops.**
- **Section 21 Firearms Act (disqualification from possessing firearms having been sentenced to the relevant term of imprisonment/suspended sentence) does not apply to properly deactivated weapons**
- **It is still possible to commit a range of offences under the Firearms Act 1968, for example, possession of a firearm or imitation firearm with intent to cause fear of violence contrary to Section 16A**

1.1. General

Deactivated firearms are weapons that were once capable of discharging live rounds but have had this function deactivated and therefore they can be possessed without a certificate. There are a number of legitimate uses of deactivated weapons (Firearms Consultative Committee 2002) for example:

- Historical re-enactment
- Collectors/museum pieces
- Use in theatre or film
- Race starting
- Interior decoration (e.g. vintage guns on walls of public houses)
- Family members inheriting weapons which they wish to keep without the need for a certificate.

Deactivated weapons are largely indistinguishable from unmodified weapons that are capable of firing. The deactivation process has been designed to preserve the outward appearance of such weapons. In most cases they will carry a mark from a Proof House, but this does not offer any guarantee that a weapon cannot discharge a projectile, as it may have been illegally reactivated and, should therefore be afforded the same caution as a live firearm.

It is worth noting that the requirement for a deactivated firearm to carry a Proof House mark certifying deactivation is an evidential provision only, and that firearms de-activated by other means may well no longer fulfil the definition of a firearm and thus no longer require domestic authority to possess/acquire/sell etc, and therefore also not bear a proof mark. Any such weapon should be examined by a forensic firearms expert (forensic scientist) to confirm the status of the weapon.

The two UK Proof Houses maintain records listing all submissions of de-activated firearms by serial number and description. An enquiry can be made via the Proof Master of each Proof House to establish the details of all such submissions and any resubmissions. The data held will normally include firearm details including type, origin, manufacturer's serial number, calibre, barrel length, details of the original submitter and date of any de-activation conformity certificate issued and therefore the specification of de-activation at that time in force. A counter-foil of the original de-activation certificate may also be available. This is of particular use in helping to identify firearms which may have been passed off with fraudulent certificates and marks etc.

Any de-activated firearm deactivated prior to the new Specifications of 5 March 2018 (UK implementation date 28 June 2018) is a 'defectively-deactivated' firearm and cannot be sold, purchased or gifted, **but possession on the other hand is permitted.**

Firearms that do meet the 2018 specification and offered for sale or gift must be accompanied by their deactivation certificate (issued by a proof house anywhere within the EU).

Firearms that can be considered 'defectively-deactivated' for the sole purpose of possession adhere to the 1995, 1998, 2010 and 2016 regulations.

The 2018 specifications are EU mandated and are referenced in UK law.

In essence, only those firearms that are 2018 compliant with their certificate may be offered for sale.

This standard is essentially the EU standard with a number of additional UK processes and can be subject to further revision in the future. The new law does not affect ownership of firearms deactivated to prior standards, but prohibits the transfer by sale, swap, gifting or inheritance of pre 2018 deactivated firearms. This includes all firearms deactivated to any of the previous UK standards, from 1988 onwards. The same amendment also states that, 'It is an offence for a person who owns or claims to own defectively deactivated weapon (ie not to the specification) to: (a) 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.'

However, owners of any old-spec deactivated weapons can sell or gift them to anyone outside the EU, and also sell or gift them to museums that have a relevant firearms license. Museums are also excluded from the scope of the new offence provided they have a museum firearm license.

In effect, such items are locked to the current owner and if that person passes away, then any deactivated firearms in the estate will have to be subjected to the new deactivation specification processes in order to be inherited, or be surrendered to the Police by the estate.

In simple terms for any auction house to LEGALLY offer a deactivated small arm for sale in the U.K. it must now be in possession of a deactivation certificate issued by any EU Proof House which is marked with the EU stamp.

The offence for breaking the law in England is up to six months imprisonment, or a fine, or both, until section 154(1) of the Criminal Justice Act 2003 comes into force, when it increases to 12 months. In Scotland it's 12 months from the start. If the law is broken with, essentially, criminal intent or use, the custodial sentence increases to five years.

Officers should also be aware that the process of reactivation, in respect of certain types of weapons, has been found to require little more than tools available from high street DIY stores. Furthermore, officers should not assume that reactivation processes require access to sophisticated workshops because, whilst some do, others have been found, for example, in the kitchen of a one bedroom sheltered housing bedsit.

Properly deactivated weapons can be held by those persons who are otherwise disqualified under the provisions of S.21 Firearms Act 1968 (owing to having been sentenced to the required period of imprisonment).

A properly deactivated weapon may still be used in the commission of a number of offences under the firearms act, for example:

- Section 16 A Possession of a firearm or imitation with intent to cause fear of violence
- Section 17(1) Using a firearm or imitation to resist or prevent lawful arrest of himself or another
- Section 18 Carrying a firearm or imitation with intent to commit an indictable offence or to resist arrest or prevent the arrest of another
- Section 20 Entering a building or part of a building as a trespasser without reasonable excuse whilst having with him a firearm or imitation

A firearm bearing a Birmingham proof house deactivation mark



APP** Link to **Major investigation and public protection**

APP** Link to **Investigation**

APP** Link to **Risk**

APP** Link to Major investigation and public protection/**firearms licensing**

APP** Link to **Intelligence Management**

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