



For immediate release

Firearms – making the law clearer and easier to use

Police and prosecutors tackling gun crime struggle to enforce the law because legislation relating to firearms is complex and unclear. Deficiencies in the legislation have a serious impact on the ability of the criminal justice system to respond effectively to gun crime. The complexity also makes it difficult for legitimate firearms holders to comply with the law.

The Law Commission has now started work on its reform of firearms offences, with a view to clarifying and simplifying the law and making it easier to understand and use.

The law that governs possessing and acquiring firearms is complex. There are more than 30 overlapping and inconsistent provisions and, as initial research by the Law Commission shows, it has failed to keep pace with modern developments.

Frequent amendment has made the law difficult to navigate, and key concepts such as “antique”, “lethal” and even “weapon” are not defined. For example, you do not need a firearms certificate to possess or acquire an antique firearm, but the law does not define what is meant by “antique”. It can be difficult for investigators deciding whether to charge someone with an offence to determine whether or not a firearm is antique. A mistake at this stage can have serious implications for the success of a prosecution.

The lack of definition can also make it difficult for legitimate collectors to know whether they are complying with the law.

The Law Commission review, which is supported by the Metropolitan Police Service Forensic Firearms Unit and the Crown Prosecution Service among others, will begin by surveying the current legislation, before identifying the problems with the law and proposing a range of potential reforms. It will make recommendations for remedying particular problem areas within the current law. It will also consider the potential benefits of enactment of a single firearms code, bringing together modified and simplified versions of all firearms offences and providing clear definitions of all relevant terms.

Launching the project, Professor David Ormerod QC, Law Commissioner for Criminal Law, said:

“Public confidence in the criminal justice system is undermined when defendants walk free because the legislation intended to criminalise their behaviour is no longer working effectively. It is also undermined when those who make every effort to comply with the law inadvertently commit a serious criminal offence because of imprecise, outdated and unnecessarily technical drafting.

“Our aim is to clarify and simplify the legal framework, ensuring that public safety is not compromised. Our reforms will strengthen the protection offered by the law by ensuring illegal firearms are dealt with by clear and robust legislation, and that criminals no longer have the opportunity to exploit loopholes in the law. We will also seek to ensure that the law is clear for legitimate holders of firearms.

[more]

“This project offers an important and timely opportunity to contribute to public safety, while also improving the management and use of firearms for everyone with an interest in this area.”

Speaking in support of the Law Commission’s work, Director of Public Prosecutions, Alison Saunders CB, said:

“The existing firearms legislation is in need of review and consolidation on the grounds that it is unduly complex and has failed to keep up to date with modern developments in the criminal possession and use of firearms. For these reasons I welcome the Law Commission’s review of firearms offences.”

The Director of Forensic Services for the Metropolitan Police, Gary Pugh OBE, said:

“In our view, the legislation regarding examination and classification of firearms (including ammunition) has developed piecemeal, such that as problems emerge new legislation or amendments are introduced on top of the existing legislation, making for a complex and inefficient means of protecting the public and prohibiting the illegal use of firearms.

“It is a significant and important step forward that the Law Commission has agreed to conduct a scoping review of firearms legislation; the firearms experts in the Metropolitan Police Service Firearms Unit, the largest in the UK, will give their full support to this review.”

Highlighting problems with the existing law, Professor Andrew Ashworth QC, Emeritus Vinerian Professor of English Law, University of Oxford, said:

"The time has come for a cool look at firearms legislation: a law that requires courts to imprison people who have no mens rea and who have failed to discharge a reverse burden of proof is highly questionable, and it is inadequate and fundamentally wrong to expect the 'exceptional circumstances' exemption to furnish full protection for the innocent. I therefore welcome the Law Commission's decision to review the state of firearms law."

The Commission will open a three-month consultation in summer 2015, supported by a scoping consultation paper and a conference for stakeholders. We expect to publish our final scoping report in spring 2016.

Notes for editors

1. The Law Commission is a non-political independent body, set up by Parliament in 1965 to keep all the law of England and Wales under review, and to recommend reform where it is needed.
2. The Law Commission scoping project will not be concerned with the current licensing regime, which is already under review by Her Majesty’s Inspectorate of Constabulary (due to report in 2015).
3. For more details on this project, visit www.lawcom.gov.uk
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