



## Firearms Bill

### HL Bill 129 of 2022–23

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Date published: 4 July 2023

The [Firearms Bill](#) is a private member's bill focused on two areas: first, so-called 'miniature' rifle ranges involving small calibre/air weapons. These ranges can currently be run without the need for firearm certification, and anybody can use these weapons at such a range without a certificate. Second, the control of ammunition and its component parts. In both these areas, law enforcement agencies have voiced concerns that current safeguards are insufficient.

The government conducted a wide-ranging consultation exercise in 2020–21 on firearm safety, which included these issues. In its response, the government indicated that a majority of respondents had agreed change was required and ministers said that they would legislate to strengthen regulation in these areas as a result.

The Firearms Bill follows that undertaking. It was sponsored by Shaun Bailey (Conservative MP for West Bromwich West) in the House of Commons and will be sponsored in the House of Lords by Lord Colgrain (Conservative). Explanatory notes to the bill have been prepared by the Home Office.

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The bill would introduce two main changes:

- It would remove the current exemption for operators of miniature rifle ranges in the Firearms Act 1968, requiring them to possess a firearms licence in future so that they are subject to police suitability checks. The bill would also redefine the definition of a miniature rifle to mean a rifle chambered for use with .22 rim-fire cartridges, thereby clarifying which firearms are appropriate to be used by persons who have not been subject to any suitability checks.
- It would introduce an offence into the Firearms Act 1968 of possessing component parts of ammunition with “intent to manufacture” and detail the resultant new penalties regime.

The legislation received cross-party support in the House of Commons and passed unamended. The Labour frontbench did question whether the provisions should go further, however, particularly regarding 3D-printed weapons and resolving issues with the current firearm certification regime.

Second reading of the bill in the House of Lords is due to take place on 14 July 2023.

## **1. Why is the bill being introduced?**

The bill is focused on two key areas: ‘miniature’ rifle ranges involving small calibre/air weapons and the control of ammunition, following concerns from law enforcement agencies that current controls in both these areas are insufficient.

### **1.1 Miniature rifle ranges**

An exemption in section 11(4) of the Firearms Act 1968 allows an individual to run a rifle range or shooting gallery where only small calibre rifles or air

weapons are used without the need for a firearms licence.<sup>1</sup> Additionally, members of the public do not need a firearms licence to shoot at such a range or gallery. This exemption is reportedly widely used to introduce people to target shooting.

The National Small-bore Rifle Association (NSRA) estimates that around 200 small-bore rifle clubs make use of the current exemption.<sup>2</sup> The government notes that many of these are also Home Office-approved target shooting clubs, which possess an authorisation from the secretary of state or, in Scotland, the Scottish government. These clubs use the exemption to invite non-members to experience competitive shooting. Also, the exemption is used to enable young people to experience shooting through organisations such as the Scout Association and schools.

However, the Home Office reports that law enforcement has raised concerns that the exemption may allow unsuitable people to gain access to firearms, with consequent public safety risks.<sup>3</sup> Such concerns stemmed from the following issues:

- the operator of the miniature rifle range or members of the public shooting on the range are not required to undertake any police checks, including criminal records checks, checks of medical suitability or assessment of their 'good reason' for the activity (ie the present basis of the exemption, that there is such legitimate reason for the activity)
- the operator of the miniature rifle range can purchase miniature rifles and ammunition from a registered firearms dealer without being legally required to produce evidence of their authority to possess them
- there is no legal requirement for the operator of the range to store the guns securely or to inform police of their possession of the firearms, their number or location.<sup>4</sup>

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<sup>1</sup> [Firearms Act 1968, s 11](#)

<sup>2</sup> [Explanatory notes](#), p 3.

<sup>3</sup> As above.

<sup>4</sup> [Explanatory notes](#), p 4.

The government ran a consultation exercise in 2020–21 on a range of firearms issues, including how controls on miniature rifle ranges could be improved while retaining the benefits that they present to shooting sports.<sup>5</sup> A key proposal in that exercise was to require that anyone who wished to operate a miniature rifle range must first apply for a firearms licence and undergo the necessary police checks into their background and security. 73% of respondents agreed or strongly agreed that the operator of a miniature rifle range should be required to have a firearm certificate, while 20% disagreed or strongly disagreed.

As a result, the Firearms Bill would introduce measures to require operators of miniature rifle ranges to possess a firearms licence so that they are subject to police suitability checks. The bill would also redefine the definition of a miniature rifle and thereby clarify which firearms are appropriate to be used by persons who have not been subject to any suitability checks.

To this end, alongside introducing licensing requirements, the bill would restrict such miniature ranges to .22 rim-fire weapons only. The requirement for a firearm certificate would not extend to lower-powered air weapons used on miniature rifle ranges (under 6 foot pounds for air pistols and under 12 foot pounds for air rifles) because a firearm certificate is not required in order to possess lower-powered air weapons in England and Wales.

## **1.2 Control of ammunition**

The key components of ammunition are the propellant and primer. The propellant helps to propel a projectile from a firearm by burning rapidly, while a primer consists of an explosive chemical compound that ignites the propellant. The remaining main components are the cartridge case and the projectile.

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<sup>5</sup> Home Office, '[Firearms safety consultation](#)', updated 20 July 2022.

The possession of propellants is controlled under the Explosives Regulations 2014 which require that, with certain exceptions, anyone wanting to acquire or keep explosives must hold an explosives certificate issued by the police.<sup>6</sup> Primers are subject to control under section 35 of the Violent Crime Reduction Act 2006,<sup>7</sup> which makes it an offence to sell or purchase primers, including empty cartridge cases incorporating primers, unless the purchaser is authorised to possess them. For example, they would have to be a registered firearms dealer or hold a firearm certificate authorising them to possess a firearm or ammunition of the relevant kind. The remaining component parts of ammunition, such as the lead bullets and cases, are not controlled.

It is also an offence under section 1 of the Firearms Act 1968 to possess, purchase or acquire ammunition to which the section applies without holding a firearm certificate, or in breach of the quantities authorised by the certificate.<sup>8</sup> The maximum penalty is seven years' imprisonment (where the offence is committed in an aggravated form), or 10 years in the case of prohibited ammunition.

However, again law enforcement agencies have expressed concerns that these controls are not sufficient to prevent criminals unlawfully manufacturing ammunition.

The same firearms safety consultation referred to above also sought views on whether current controls on component parts of ammunition remained sufficient or whether they should be strengthened by making it an offence to possess component parts with intent to assemble unauthorised quantities of ammunition.

The government notes in its response to that consultation that a majority (62%) of respondents agreed or strongly agreed that the possession of component parts of ammunition with intent to manufacture unauthorised

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<sup>6</sup> [Explanatory notes](#), p 5; [Explosives Regulations 2014](#).

<sup>7</sup> [Violent Crime Reduction Act 2006, s 35](#)

<sup>8</sup> [Firearms Act 1968, s 1](#).

quantities of complete rounds of ammunition should be made an offence.<sup>9</sup> Over one quarter (28%) disagreed or strongly disagreed that this should be made an offence.

Whilst supporting a new offence in principle, however, many respondents also drew attention to the fact that a large number of law-abiding shooters use reload ammunition to improve accuracy and to provide them with ammunition (for example, for vintage or historic firearms) that is not commercially available, as well as to save costs.

The government also notes that there is a wide range of circumstances where the inert components of ammunition are possessed for lawful purposes such as film and theatre production, form part of antique or militaria collections, are incorporated in knick-knacks or fashion accessories, or are used by the providers of firearms safety training.

Consequently, the government has said that it accepts the view that any legislation should be drafted in such a way that it does not inadvertently criminalise those who lawfully possess ammunition or component parts of it, and who do not intend to manufacture unauthorised rounds. However, it said that it was also important that criminals should not be able to avoid prosecution by keeping the components in their unassembled state until they are ready to be used. The government contends that making it an offence to possess component parts with intent to assemble unauthorised quantities of ammunition will enhance public safety. It also said that, while possession of all components would go towards proving criminal intent, making this a necessary condition of prosecution could be further exploited by criminals seeking a loophole.

As a result, the Firearms Bill would introduce an offence into the Firearms Act 1968 of possessing component parts of ammunition with “intent to manufacture”, and detail a new penalties regime, as discussed below.

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<sup>9</sup> Home Office, '[Firearms safety: Government response](#)', updated 20 July 2022.

## **2. Measures in the bill clause by clause**

The bill contains three clauses and no schedules.

### **2.1 Clause 1: Miniature rifle ranges and shooting galleries**

Clause 1 would make changes to the Firearms Act 1968 to remove the current exemption for operators of miniature rifle ranges, requiring them in future to possess a firearms licence so that they are subject to police suitability checks.

The provisions in clause 1 would also redefine the definition of a miniature rifle to mean a rifle chambered for use with .22 rim-fire cartridges, thereby clarifying which firearms are appropriate to be used by persons who have not been subject to any suitability checks.

Clause 1 would also make a corresponding change concerning the use of air weapons and ammunition at such miniature rifle ranges.

### **2.2 Clause 2: Possessing component parts of ammunition with intent to manufacture**

Clause 2 would amend the Firearms Act 1968 to introduce a new section (3A), 'Possessing component parts of ammunition with intent to manufacture'.

This would make it an offence if the following conditions are met:

A person commits an offence if—

- (a) the person has in their possession any component parts of ammunition (see subsection (2)),
- (b) the person intends to manufacture ammunition to which section 1 applies using those parts, and



- (c) were the person to do so—
- (i) possession of the ammunition by the person would constitute an offence under section 1, or
  - (ii) the manufacture or possession of the ammunition by the person would constitute an offence under section 3.

The bill would also set out the penalties for those offences accordingly:

- (a) those convicted under this section on indictment will be subject to imprisonment for a term not exceeding 5 years or to a fine (or both);
- (b) on summary conviction in England and Wales, to imprisonment for a term not exceeding the general limit in a magistrates' court or to a fine (or both);
- (c) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum (or both).

## **2.3 Clause 3: Extent, commencement and short title**

Clause 3 would dictate that the bill comes into force on a date designated by the secretary of state by regulations, and would apply to England, Wales and Scotland.

## **3. Consideration of the bill in the House of Commons**

### **3.1 Second reading of the bill**

Second reading of the Firearms Bill in the House of Commons took place on 3 March 2023.<sup>10</sup> Opening the debate, Simon Baynes (Conservative MP for Clwyd South) spoke on behalf of the bill's sponsor, Shaun Bailey (Conservative MP for West Bromwich West). Mr Baynes reiterated the key measures in the bill, noting the views expressed by the police that there

<sup>10</sup> [HC Hansard, 3 March 2023, cols 1070–7.](#)

were not sufficient safeguards currently in this area and the government's recent consultation exercise. He noted explicitly that the bill was a consequence of the government's commitment to take forward primary legislation as a result and contended that the bill would "make our firearms laws even more robust, to tackle crime and to continue to improve public safety".<sup>11</sup>

Speaking for the Labour Party, shadow Home Office minister Stephen Kinnock said that his party supported the "important" bill.<sup>12</sup> However, he also raised some questions for the bill's sponsor and the government, including how the standard of proof would apply when determining intent to manufacture ammunition, and how might attempts to evade detection be addressed as part of efforts to tackle such offences.<sup>13</sup> Mr Kinnock also asked whether the government was confident that the measures in the bill would adequately reflect the application of recent technological developments such as 3D printing and other evolving technologies that make access to deadlier weapons significantly easier for those who seek them.

Mr Kinnock also raised questions, beyond the scope of the bill, regarding the government's plan to establish a new independent regulator for firearms licensing and whether the government had any plans to reform the licensing regime and the fees charged to apply for a licence. He also noted a rise in the number of temporary licences granted, which he said appeared to be down to backlogs in the system.

In his remarks, the minister for crime, policing and fire, Chris Philp, reiterated the aims of the bill particularly around clause 2. On this point, he said that, as the bill went through committee stage, "we may want to make sure that we cover not only people intending to manufacture ammunition themselves, but those facilitating others to do so".<sup>14</sup>

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<sup>11</sup> [HC Hansard, 3 March 2023, col 1072.](#)

<sup>12</sup> [HC Hansard, 3 March 2023, col 1074.](#)

<sup>13</sup> [HC Hansard, 3 March 2023, col 1074.](#)

<sup>14</sup> [HC Hansard, 3 March 2023, cols 1075–6.](#)

On 3D-printed weapons, the minister said that these would be treated the same as other weapons but that this would be kept under review. On fees for firearms licensing, he added that the government had committed to consulting on the issue this year. On the question about firearms backlogs and temporary licences, Mr Philp said he had reviewed the data and, of the 43 police forces, four had “unacceptably high” backlogs.<sup>15</sup> He said he would be communicating with the chief constables of those four forces in the very near future.

The bill received second reading without division.

### 3.2 Committee stage

Consideration of the bill by a public bill committee in the House of Commons took place on 15 March 2023.<sup>16</sup> At the outset of the debate, the committee’s chair, Sir Gary Streeter, noted that Shaun Bailey, who introduced the bill, had been appointed as a Home Office parliamentary private secretary. As a result, Sir Gary said that Simon Baynes would again speak to the bill.

During the debate, shadow Home Office minister Holly Lynch moved three amendments focused on various aspects of the bill. The first, amendment 1, would have ensured that social media profiles were considered in the granting of the firearms licences required under the bill. In proposing the amendment, Ms Lynch drew upon the example of posts made by Jake Davison, who killed four people with a firearm in Plymouth in 2021 before turning the weapon on himself.<sup>17</sup> She noted the recommendations made by the Independent Office for Police Conduct following that incident that statutory guidance on firearms licensing should be amended “to require that open-source research is conducted for all applications, with more intrusive

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<sup>15</sup> [HC Hansard, 3 March 2023, col 1076.](#)

<sup>16</sup> House of Commons Public Bill Committee, [‘Firearms Bill’](#), 15 March 2023, session 2022–23, cols 1–16.

<sup>17</sup> Steven Morris, [‘Plymouth shooting: victims’ families hit out at ‘police failings’ after unlawful killing verdict’](#), Guardian, 20 February 2023.

checks for high risk applicants”.<sup>18</sup> She said her amendment reflected this recommendation.

Holly Lynch also moved amendment 2, which would have required that, before a firearm certificate was issued or renewed for an operator of a relevant range or shooting gallery, the police must meet privately with members of the applicant’s family or household to decide whether the applicant is fit to be entrusted with a firearms licence. Ms Lynch said this amendment followed recommendations made by the House of Commons Scottish Affairs Committee on firearms regulations in Scotland following an incident on the Isle of Skye involving a licensed firearm which led to the death of John McKinnon in 2022.<sup>19</sup> The Scottish Affairs Committee said the UK government should change the statutory guidance on firearms licensing to “more strongly recommend that police forces involve present and former conjugal partners in the application and renewal process” thereby “echoing the system used in Canada”.<sup>20</sup> Holly Lynch contended that in the most recent instances of unlawful and fatal use of licensed firearms, “family members of the perpetrators faced the greatest risks”. She said amendment 2 would place a duty on police forces to discuss the applicant’s suitability for a licence with their family members in private meetings, which would significantly enhance the referee system.

Finally, Holly Lynch moved amendment 3, which would have required that any regulations relating to fees for licences issued under section 11 of the Firearms Act 1968 relating to miniature rifle ranges must require payment equal to the expected cost of issuing such licences. She said the purpose of this amendment was “a long overdue rebalancing” which she said was a key point raised by many police forces when the issue of firearms licensing was discussed. She said the amendment would allow police forces to at least recoup their costs when dealing with firearms licences and help justify the diversion of resources to this issue to clear existing backlogs.

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<sup>18</sup> House of Commons Public Bill Committee, [‘Firearms Bill’](#), 15 March 2023, session 2022–23, col 5.

<sup>19</sup> House of Commons Scottish Affairs Committee, [‘Firearms licensing regulations in Scotland’](#), 22 December 2022, HC 710 of session 2022–23.

<sup>20</sup> As above, p 15.

Simon Baynes addressed these amendments in his remarks. He said that, whilst he agreed that Holly Lynch raised valid points, given the narrow scope of the bill he questioned whether it was the right place for such measures.<sup>21</sup> He said that amendment 3 could also potentially be dealt with by regulations.

Speaking for the government, Parliamentary Under Secretary of State for the Home Office Sarah Dines also addressed the Labour amendments. She said that statutory guidance already in place on assessing suitability for a firearm certificate requires the police to consider conducting an open-source check of social media presence and the activity of the applicant to “establish whether he or she has openly or repeatedly expressed or sympathises with views that may suggest that their access to firearms would be inappropriate”.<sup>22</sup>

She added with regard to the subject of both amendments 1 and 2 that the government would consider a further strengthening of the guidance and potentially the law:

The police have a legal obligation to have regard to the statutory guidance, which will be reviewed, in exercising their firearms licensing functions. The government have said that we will keep the guidance under review and will not hesitate to refresh it and to strengthen it further whenever the evidence suggests that that is required.

The government will consider such further changes to the guidance now, and possibly further changes in the law, following the outcomes of the recent inquests into those who were tragically shot dead by Jake Davison in Plymouth on 12 August 2021, and the expansive recommendations made by the coroner. Those recommendations sit alongside the outcomes and recommendations made by the

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<sup>21</sup> House of Commons Public Bill Committee, [‘Firearms Bill’](#), 15 March 2023, session 2022–23, col 6.

<sup>22</sup> House of Commons Public Bill Committee, [‘Firearms Bill’](#), 15 March 2023, session 2022–23, col 13.

Independent Office for Police Conduct following the investigation into the issue of a firearm licence to Jake Davison, and also recommendations made by the Scottish Affairs Committee, following its review of firearms licensing. It is clear that the government will further strengthen the checks and controls on firearms licensing in the coming weeks and months.<sup>23</sup>

Miss Dines said that against that backdrop it would be helpful if the amendments were withdrawn. The minister did not address the issue of licensing costs in her remarks.

The amendments were subsequently withdrawn.

### **3.3 All remaining stages of the bill**

The bill did not receive a report stage but progressed directly from public bill committee to third reading, which took place on 24 March 2023.<sup>24</sup> At third reading, Dr Kieran Mullan (Conservative MP for Crewe and Nantwich) spoke to the bill on behalf of Shaun Bailey, reiterating the key provisions in the bill and welcoming the fact that it had received cross-party support.<sup>25</sup>

Speaking for Labour, shadow minister Luke Pollard said that his party continued to support the bill, but reiterated a desire to go further, arguing that it was not clear, for example, that the bill dealt with the issue of 3D-printed weapons. Nor, he argued, did the proposals address problems such as the delays present in issuing firearms certificates or costs involved in the licensing system.<sup>26</sup>

Responding for the government, minister of state at the Ministry of Justice

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<sup>23</sup> House of Commons Public Bill Committee, '[Firearms Bill](#)', 15 March 2023, session 2022–23, col 13.

<sup>24</sup> [HC Hansard, 24 March 2023, cols 612–19.](#)

<sup>25</sup> [HC Hansard, 24 March 2023, cols 612–14.](#)

<sup>26</sup> [HC Hansard, 24 March 2023, cols 615–17.](#)

Edward Argar said that the bill was an important and proportionate measure that would help to advance safety while allowing legitimate activities to continue. He added that, while several other issues raised during the bill's passage were out of scope, "the government will continue to consider them closely in the context of the reports that have been received about the tragic shootings in various parts of the UK in recent months".<sup>27</sup>

The bill received its third reading without division and proceeded unamended to the House of Lords.

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<sup>27</sup> [HC Hansard, 24 March 2023, cols 618.](#)

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