

**FROM: HOME OFFICE**

**TO: Firearms Licensing Managers and Registered Firearms Dealers**

**DATE: 23 December 2014**

**Notice of a change in law affecting Registered Firearms Dealers and Computerised Records – EU Weapons Directive 2008/51 – updated advice**

Advice was provided to Firearms Licensing Managers and Registered Firearms Dealers in March 2014 about the introduction at the end of the year of EU Weapons Directive 2008/51. Registered firearms dealers were advised that they would need to keep computerised records from 31 December 2014.

The Home Office has now revisited its position on the implementation. We do appreciate that it is not ideal to be changing our approach at this late stage. However we have reconsidered the scope of the requirements and have decided that rather than mandating firearms dealers to computerise their records we will rely on the National Firearms Licensing Management System (England and Wales) and SHOGUN (Scotland), with both the police and firearms dealers continuing to record current information.

As a reminder, the EU Directive states that from 31 December 2014:

*“Member states shall ensure the establishment and maintenance of a computerised data filing system, either a centralised system or a decentralised system which guarantees to authorised authorities access to the data-filing system in which each firearm subject to the Directive shall be recorded.*

*This filing system shall record and maintain for no less than 20 years each firearm’s type, make, model, calibre and serial number, as well as the names and addresses of the supplier and the person acquiring or possessing the firearm.*

*Throughout their period of activity, dealers shall be required to maintain a register in which all firearms subject to this Directive and which are received or disposed of by them shall be recorded, together with such particulars as enable the firearm to be identified and traced, in particular the type, make, model, calibre and serial number thereof and the names and addresses of the persons supplying and acquiring it.*

*Upon the cessation of his activities, the dealer shall deliver the register to the national authority responsible for the filing system provided for in sub-paragraph 1.”*

**What does this mean?**

This means that from 31 December 2014 firearms dealers will be required to keep their registers for a minimum of 20 years and can do so either as a paper-based record or computerised record.

Firearms dealers will not be required to record anything more or less than they are already required to do. The only difference for firearms dealers will be the **length of time** they must hold them for.

The Home Office will shortly be amending the Firearms Act, by way of a Statutory Instrument, so that records will be kept for a minimum of 20 years and not five years as currently required.

## Questions

### **Q: Why has the approach changed?**

**A.** Continuing to use the centralised system for the majority of the recorded transactions is now our preferred approach because it has a limited impact on both police and firearms dealers. We already have robust processes in place as firearms dealers are required to maintain their own register of firearms under the Firearms Act 1968, details of which are passed to the National Firearms Licensing Management System and SHOGUN.

### **Q: What do I need to do now?**

**A.** From 31 December 2014 you should begin retaining your records for firearms transactions for a minimum of 20 years.

### **Q: Do I need to record anything differently than I am at the moment?**

**A.** The requirements in Article 4(4) for what has to be recorded are already covered by section 40 and schedule 4 of the Firearms Act 1968 and Part IV of Schedule 5 to the Firearms Rules 1998. As such, there is no change required in relation to the detail of what is recorded. Transactions can be recorded either as a paper-based record or computerised.

### **Q: I only trade in air weapons do I need to comply with the Directive?**

**A.** There is no requirement for firearms dealers trading only in air weapons to comply with the Directive. However, firearms dealers trading only in air weapons are required to comply with the current system in section 40 of the Firearms Act 1968 and to maintain a register of transactions for five years. Transactions can be recorded either as a paper-based record or computerised.

### **Q: I also trade in ammunition – for how long should I keep these records?**

**A.** There is no requirement for ammunition transactions to be retained for longer than five years, as now, but if you are also holding records for firearms transactions you may choose to include ammunition and keep those records for twenty years. Transactions relating to ammunition can be recorded either as a paper-based record or computerised.

### **Q: I trade in firearms, ammunition and air weapons what do I need to do?**

**A.** From 31 December 2014 for firearms related transactions you will be required to keep these records for a minimum of 20 years.

**B.** For transactions involving ammunition or air weapons there is no requirement for these records to be kept for any longer than five years. Firearms dealers are still required to comply with the current system in section 40 of the Firearms Act 1968 and to keep these records for five years.

### **Q: I offer a repair and/or storage facility, do I need to comply with the Directive?**

**A.** Yes. As registered firearms dealer you will be required to comply with the Directive and to continue to meet the requirements of the Firearms Act as set out above

### **Q: I would like to change to a computerised register, is there a particular format I need to follow for maintaining it?**

**A.** No. The only requirement is that whichever type of record you are maintaining, your records must contain all of the information that is already required under the Firearms Act and which is outlined above. As long as your record holds all of this information it is open for you to set out the record in the way you want to.

**Q: I already maintain a computerised record is there anything else I should be aware of?**

**A.** When keeping electronic records individuals should also be aware of the principles of the Data Protection Act 1998 and the requirement to protect information that they hold.

A link is attached concerning small business and cyber security which may be helpful:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/197177/bis-13-780-small-business-cyber-security-guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/197177/bis-13-780-small-business-cyber-security-guidance.pdf)

If you have any questions please contact [Firearms@homeoffice.gsi.gov.uk](mailto:Firearms@homeoffice.gsi.gov.uk)