

Chapter 9: Historic handguns

- 9.1. Section 1 of the Firearms (Amendment) Act 1997 amended section 5 of the 1968 Act to extend the list of prohibited weapons to include most handguns. Prohibited weapons can only be possessed under the authority of the Secretary of State. However, section 7 of the 1997 Act provides an exemption for ownership of certain classes of historic handguns by private individuals providing certain conditions are met.
- 9.2. This chapter provides guidance on how section 7 might be applied in practice. Decisions about whether the terms of section 7 have been met and the discretion to grant or refuse a firearm certificate rest with chief officers of police, as set out in the 1968 Act. The interpretation of the law remains a matter for the courts.
- 9.3. If a person wishes to possess a handgun under section 7, the chief officer of police must be satisfied that the firearm is one to which the provisions of section 7 apply. The burden therefore rests with the owner to provide evidence that the handgun concerned falls within the scope of section 7. This guidance sets out the issues and the evidence which the police may wish to consider in deciding whether to grant a firearm certificate in these circumstances.

Section 7 of the 1997 Act

- 9.4. The text of Section 7 as amended by The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999 is as follows:

Section 7: Firearms of historic interest:

- (1) The authority of the Secretary of State or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998) is not required by virtue of subsection (1) (aba) of section 5 of the 1968 Act for a person to have in his possession, or to purchase or acquire, or to sell or transfer, a firearm which-
 - (a) was manufactured before 1 January 1919; and
 - (b) is of a description specified under subsection (2) below,if he is authorised by a firearm certificate to have a firearm in his possession, or to purchase or acquire it, subject to a condition that he does so only for the purpose of its being kept or exhibited as part of a collection.
- (2) The Secretary of State may by order made by Statutory Instrument specify a description of firearm for the purposes of subsection (1) above if it appears to him that –
 - (a) firearms of that description were manufactured before 1 January 1919 and;
 - (b) ammunition for firearms of that type is not readily available.

(3) The authority of the Secretary of State or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998) is not required by virtue of subsection 1(aba) of section 5 of the 1968 Act for a person to have in his possession, or to purchase or acquire, or to sell or transfer, a firearm which:

- (a) is of particular rarity, aesthetic quality or technical interest; or
- (b) is of historical importance.

if he is authorised by a firearm certificate to have the firearm in his possession subject to a condition requiring it to be kept and used only at a place designated for the purposes of this subsection by the Secretary of State or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998).

(4) This section has effect without prejudice to section 58(2) of the 1968 Act (antique firearms).

9.5. In broad terms, section 7 divides historic handguns, other than antiques and muzzle-loaders, into two classes: those which may be kept at home without ammunition, and those which may be kept and fired at a designated secure site.

9.6. Set out below is an explanation of how the terms of section 7 might apply in practice:

Historic handguns which might be kept at home

9.7. The police may grant a firearm certificate for a firearm to be kept at home (as opposed to at a designated site) under the terms of section 7(1) if the normal criteria for the grant of a certificate are satisfied and if the firearm meets all of three tests:

- (i) it must be of a kind for which the Secretary of State has decided that ammunition is not readily available in the UK;
- (ii) the actual gun (not just the make or model) must have been manufactured before 1 January 1919; and
- (iii) the certificate must be subject to a condition that the gun must be kept or exhibited as part of a collection.

9.8. Section 7(2) gives the Secretary of State the power to list by Statutory Instrument those firearms to which section 7(1)(b) applies and therefore do not require an authority from the Secretary of State or Scottish Ministers. These represent both those cartridges used in rifles and carbines which can be purchased lawfully, and those calibres in common international circulation which are regularly used in crime in the UK. The Statutory Instrument states that the following types of firearm are subject to section 7(1):

9.9. All small firearms as defined by section 5(1)(aba) of the Firearms Act 1968 (small firearms) except those chambered for the following types of ammunition. These are set out in The Firearms (Amendment) Act 1997 (Firearms of Historic Interest) Order 1997 (Statutory instrument 1997/1537) as follows:

- 22" rimfire
- .25" Auto colt pistol/6.35mm
- .25" – 20

- .32" Auto colt pistol/7.65mm
- .32" – 20
- .32" Smith & Wesson Long
- 7.62mm Soviet Tokarev
- .38" 40 Winchester
- .380 Auto colt pistol/9mm short
- 9mm Luger/Parabellum/9x19mm
- .38 Smith & Wesson
- .38" Special
- .38-200
- .44" Special
- .44" – 40 Winchester
- .45 Auto colt pistol
- .45" Long Colt

9.10. This is a statutory provision, and any gun chambered for the above types of ammunition cannot benefit from the provisions of section 7(1) and (2). The police have no power to waive the terms of the Statutory Instrument and allow firearms of these chamberings to be kept at home. Likewise, further ammunition can only be declared "readily available" by the Secretary of State. Handguns covered by the list would include, for example, the Browning Models 1900, 1906 and 1910, the Colt 1917 in .45" ACP, the Mauser c96 in 9mm Parabellum, the P08 Luger in 9mm, and the Webley 1906 as the ammunition for these may be available. However, guns of these types might benefit from the terms of section 7(3).

9.11. As well as being a type for which ammunition is not readily available, the individual gun (not just the make or model) must have been manufactured before 1 January 1919. This date was chosen to include both guns of the First World War era and the work of the smaller gunsmiths in the UK or abroad who ceased production before or during the Great War. This is a statutory requirement, and the police cannot grant a firearm certificate for a pistol made after this date to be kept at home under section 7(1). The police will therefore wish to be satisfied that the gun falls within this category.

9.12. Certain types of gun stopped being made before 1919. These would include the following:

Adams	revolvers
Colt:	Model 1873 and Model 1878 revolvers in .450, .455 and .476 calibre
Enfield	Mk I and Mk II .476 service revolvers
Kynoch	revolvers
Lancaster	four and two-barrelled pistols ("howdah pistols")
Smith & Wesson	Model No.3 revolver in .450, and .455 calibre
Smith & Wesson	.22 rimfire tip-up Model 1 First, Second and Third Issues. [These can be identified by the barrel being tipped upwards before the cylinder can be removed for reloading].
Smith & Wesson	Hand Ejector in .450 and .455 calibres
Tranter	revolvers
Webley	No.4 and No. 4 1/2 (the Webley Pryse revolver),
Webley	Kaufman

Webley	All WG models – 1889, 1891, 1892, 1893 1896, Army and Target
Webley	pistols chambered for .455self-loading (SLP) (semi-rimless) cartridges
Wilkinson & Webley	Wilkinson revolvers Pryse type, 1892, 1900 and 1905 (a few model 1911s were made after 1918 (see 9.14 below).
Dutch	10mm model 1894

Section 7(1) category

9.13. Certain types of gun were made only from 1919, and would not fall into this category. Examples would be the following:

Astra:	400, 600 and 900 pistols
Beretta:	M 1934 pistol M 1935 pistol
Browning FN:	Model 1922 pistol, Model 1935 (also known as GP, Grand Puissance or High Power) in 9mm Parabellum
Colt:	Official Police and Detective Special revolvers
Enfield:	Service revolvers No. 2 MkI, MkI* and MkI**
Frommer:	Model 37 pistol
MAB:	Model D pistol
Mauser:	Model 1934 pistol and Model HSC pistol
Radom:	VIS 35 pistol
Sauer:	Model 38 H pistol
Smith & Wesson:	Military & police model revolver – version in .38 S &W (.38-200)
Star:	Model B pistol
Tokarev:	Model TT 33 pistol
Walther:	Model PP and Model PPK pistols, P38 pistol in 9mm Parabellum
Webley:	Small frame (put in to distinguish from large frame Mark IV made from 1899 to c. 1904) Mark IV revolver in .22LR, .32S&W Long &.38 S&W (.38-200)
Unique:	M17 pistol

9.14. The manufacture of certain models continued beyond 1918. In these cases, the main record of whether an individual example was made before 1919 will be the serial number. Set out below is a table of the more common guns spanning this period and the serial numbers. Please note that guns in “readily available” calibres are not eligible for Section 7(1) status even if they are made before 1919: the information below should be read in conjunction with paragraph 9.22 below.

Make	Model	Calibre	Pre-1/1/1919 serial number
Astra	Campo Giro M 1913 pistol	9mm largo	8,038
Colt	Single Action Army (Frontier, in.44/40)	.45 & .44/40*	337,200
Colt	Army Special & Officers	.38 Special	431,999
Colt	New Service (Army, Navy, Marine)	.45 Colt	170,499
Colt	US Model 1917	.45 ACP	139,350 (on base of butt)
Colt	Pocket Positive	.32 (various)	84,999
Colt	Police Positive	.22 Long Rifle	15,899
Colt	Police Positive	.32 (Various)	142,999
Colt	Police Positive	.38 S&W	99,999
Colt	Police Positive Special	.38 Special & .32/20	161,999
Colt	Models 1902 Military & 1903 Pocket	.38 ACP	40,499
Colt	Model 1903 Hammerless	.32ACP/7.65mm	289,999
Colt	Model 1908 Hammerless	.380ACP/9mm short	33,499
Colt	Model 1908 Hammerless	.25ACP/6.35mm	192,499
Colt	US Model 1911 (Military :unprefixed no)	45ACP	580,600
Colt	Government Model (commercial) (serial number prefixed C(.45) or W(.455))	.45ACP & .455 SLP	106,800
Colt	Target Model	0.22	6,499
FN	Model 1900	7.65mm	715753
FN	Model 1903	9mm BL	39493
FN	Model 1906	6.35mm	507695
FN	Model 1910	7.65mm & 9mm short	734587
Luger	Military Models	9mm Parabellum	Year over chamber
Luger	Commercial Models	9mm Parabellum	76,500
Luger	Swiss 1900/06	7.65mm Parabellum	15,215
Mauser	M 1914 pistol	7.65mm	185,414
Mauser	M 1910 pistol	6.35mm	199,000
Mauser	C 96 "Broomhandle"	7.63mm or (9x25)	430,000
Mauser	C96 "Broomhandle" 140mm barrel	7.63mm or (9x25)	433,000
Sauer	M 1913 Old Model pistol	7.65 & 6.35mm	85,467

Make	Model	Calibre	Pre-1/1/1919 serial number
Smith & Wesson	Perfected Hand ejector (HE) (M frame)	.22 Long Rifle	25,975
Smith & Wesson	Regulation Police & .32 HE (I frame)	.32 S&W Long	272,198
Smith & Wesson	Safety Hammerless	.32 S&W	215,501
Smith & Wesson	Military & Police (K frame)	32/20	80,422
Smith & Wesson	.35 Automatic	0.35	7,490
Smith & Wesson	Safety Hammerless	.38 S&W	245,934
Smith & Wesson	Double Action Perfected	.38 S&W	57,701
Smith & Wesson	Military & Police (K frame)	.38 Special	292,004
Smith & Wesson	Regulation Police (I frame)	.38 S&W	5,781
Smith & Wesson	.44 Military/.44 Target (N frame)	.44 Special	15,598
Smith & Wesson	US Model 1917 (N frame)	.45ACP	145,832
Webley	Solid frame, often mark'd Bulldog, RIC etc)	Various	102,148
Webley	Hinge frame pocket Mark II & III	.380	21,899
Webley	WP hammer and hammerless	.32	3,019
Webley	Fosbery	.38 ACP and .455	4,339
Webley	MkVI & WS Army/WS Target and Webley Wilkinson 1911	.22 & .455	430,959*
Webley	Self-loading	.25, .32, .380, .455, 9mm BL .38HV (.38ACP)	119,171
Webley	Self-loading (Navy and RHA)	0.455	8,000

Note: .320 is an obsolete calibre. If chambered for an obsolete calibre the above Webleys would be Section 58(2). Some Webley Wilkinson 1911 models were made after 1918. All Webley Wilkinson 1911s were numbered in the same series as the Mark VI and WS. During the years 1931 to 1939 Webley renovated and re-numbered over 700 Mk 6 service revolvers which were originally made pre-1919. These revolvers will be found between serial numbers 453101 and 455067 inclusive. Specific information may be obtained from Arms Research Co.

9.15. Other firearms were assembled from parts made before 1919 and where evidence can be shown that this was the case then these firearms may also benefit from section 7(1) and be held as such.

9.16. Some manufacturers applied an assembly number, and/or a serial number associated with a particular contract, to each of their firearms. This was in addition to the manufacturer's conventional serial number. Confusion over serial numbers is most likely to occur with Smith & Wesson revolvers. Where there is doubt about the correctness of any serial number, specialist advice should be obtained (see Appendix 1).

- 9.17. In the case of guns that are not listed above, it is open to the owner to present evidence on the date of manufacture of the gun concerned. The police may wish to consider the following kinds of evidence where this is available:
- (i) The calibre of firearm listed on the firearm certificate;
 - (ii) A factory letter from the makers setting out the date of manufacture;
 - (iii) Extracts from standard reference works giving the date of manufacture of the model;
 - (iv) An insurance or dealer's valuation setting out the details of the gun.
- 9.18. Guns where there have been extensive replacement of components, using parts manufactured after 1 January 1919, should not generally be regarded as having been made before 1919. This would include guns with pre-1919 frames but most other working parts made after that date. However, minor repair work or the replacement of a single part would not invalidate the original date of manufacture.

Part of a collection

- 9.19. The terms of section 7(1) require that the person must be authorised by a certificate, subject to a condition that he only possesses, purchases, or acquires it for the purpose of its being kept or exhibited as part of a collection. As this is a statutory requirement, the police must be satisfied that the collection is genuine, rather than merely a device to get round the terms of the Act. The same principle applies where a section 7(3) application depends upon the firearm forming a part of a collection (see paragraph 9.19 and sub paragraph 9.26 (iv)). See Chapter 13 for further information on collecting firearms.
- 9.20. In deciding whether a gun is part of a collection, the police will wish to consider the following points:
- (i) A "collection" of firearms will normally have to consist of several related firearms of historic interest, rather than only one or two guns (but see (iii) below about being part of a larger collection of other artefacts). For example, these might be other firearms to which section 7(1) might apply, guns held at a designated site under section 7(3), or section 1 or section 2 firearms, or "antique" firearms held under the terms of section 58(2) of the 1968 Act, or muzzle-loading guns. These should all be part of a coherent collection, rather than held for game-shooting or other purposes.
 - (ii) The collection would be expected to be of historic interest, rather than simply of personal or sentimental interest to the owner. Owners would normally be expected to produce supporting evidence, for example a letter from a national museum or a relevant society or interest group, that the collection was of genuine historic value.
 - (iii) A firearm could be possessed under this section if it is part of a collection of other artefacts so long as the firearm is a significant component of the collection. This may be the case where the firearm forms a small part of a larger and established collection of related historic items, for example those relating to a famous historical figure. The police may reject "collections" of other artefacts put forward mainly to support the possession of a single firearm;
 - (iv) Genuine collectors of firearms for their own interest will often, though not always, be established members of the learned societies in this field, for example the Historical Breechloading Smallarms Association or the Vintage Arms Association;

- (v) The collection will usually need to be established and substantial before a firearm certificate, or Section 7 variation, is granted. The police will not normally grant a certificate for a single gun to begin a collection, unless there is very strong evidence that this will, in a short period of time, form part of a larger collection (although some collectors may have smaller collections). It should be recognised that since 1997, the availability of this category of firearm is much reduced and hence it may not be easily or quickly acquired;
- (i) If a firearm certificate is granted in respect of a collection, the police will wish to consider applications to acquire further historic firearms on individual merits. In particular, the police will wish to be satisfied that any new guns will form a proper part of the existing collection which may have more than one theme;
- (ii) Anyone wishing to begin a collection will have to provide evidence of a genuine and well-established interest in historic firearms (see also (v) above).

9.21. If the gun falls into the above category and forms part of a genuine collection, then it might be eligible to be kept at home without ammunition. The term 'at home' is a term used in this guidance rather than set in legislation. Section 7(1) refers to a certificate allowing the firearm to be in the person's possession. If the gun does not fall into the above category, or if the owner wishes to fire the gun, then section 7(3) may apply. While the term "at home" is used to distinguish these guns from those held at a designated site, this does not preclude the owner from removing the guns under the authority of their certificate, for example to take them to an auction, or an exhibition of historic arms or illustrate a lecture. Notification to police is only required where this is a condition of the certificate. Such a condition is not standard and would need to be agreed and where used, carefully worded for the circumstances.

9.22. The certificate allows the certificate holder to possess the firearm, not other people. Therefore, if other people possess the firearm, they would be committing an offence under section 1 of the 1968 Act. Whether or not handling constitutes possession will depend upon the circumstances and the context. The cases of *Hall v Cotton* 1987 and *Woodage v Moss* 1974 provide some principles as follows:

- i. Possession can include having a firearm under your control without it being in your physical possession, or in your home e.g. if someone keeps a firearm in a locked cabinet in their relation's house.
- ii. The concept of possession includes both proprietary and custodial possession i.e. both ownership/control and physical possession. There is a distinction between custody and possession, so proprietary possession and custodial possession are two different concepts.
- iii. A person can remain in "possession" of a firearm within the meaning of section 1 at a time when he is not physically in control of it.
- iv. The concept of possession has never been exhaustively defined in English law. Its precise meaning can vary according to the context and according to the Act of parliament in which the question arises.

9.23. It should be noted that section 7(3) can be used for collecting purposes, either as an extension of a section 7(1) collection, or in its own right. “Relevance to a collection” can be a factor in deciding on the acceptability of a firearm under sections 7(1) or 7(3). Thus, for instance, a comprehensive collection of British military revolvers could, for example, be expected to include what was once a relatively common .38 Enfield of the 1930s or 1940s alongside a rare .476 Enfield Mark I of 1879.

Firearms to be stored at a designated site

9.24. Section 7(3) provides that owners keep and use their guns at a site designated by the Secretary of State if they hold a firearm certificate issued by their local police. In order to qualify for this exemption, a gun must meet the criteria set out in section 7(3). Being authorised by a certificate to acquire a firearm subject to a section 7(3) exemption is specific to a particular firearm. It should not be a “blanket” authority to acquire any firearm to which this exemption applies. In cases of older handguns which do not have a serial number, the make, model and calibre would be sufficient information.

9.25. In reaching a decision as to whether a firearm falls within the terms of section 7(3), the police may wish to consider how all of the criteria set out in that section might apply. A firearm might qualify for the exemption under several related headings; for example an old gun of unusual design of which very few examples survive will meet several criteria. However, each criterion stands in its own right, and the police need only be satisfied that the gun falls within one of the criteria in order for it to be included. In assessing each gun, the police will wish to consider the following four criteria: (i) historical importance; (ii) aesthetic quality; (iii) technical interest; and (iv) particular rarity.

I Historical importance

9.26. A firearm might be considered to be of historical importance if it meets any of the following criteria. It should be borne in mind that historic can include more recent history;

- i. A firearm owned by a famous historical figure would probably be counted as of “historic importance” in itself. Famous figures would include senior military officers, members of royal families, famous statesmen and leaders, or famous sporting figures, or soldiers or civilians decorated for service in which the firearm was carried. Any provenance would have to be clearly established and supported;
- ii. Guns owned by lesser-known figures would not generally benefit from this exemption, unless they had a significant campaign history. The police may not wish to grant a certificate in respect of a firearm held by a family member simply because it is an heirloom, unless it is a “trophy of war” carried or acquired on active service. An exemption to this would be if the original or later owner was involved in events of historic importance, for example a battle or campaign, and if there is evidence of the involvement of the owner and their firearm;
- iii. If a firearm is from a historic era and location rarely found in British collections, then the police may wish to consider whether the gun is of historic importance as well as particular rarity;

- iv. If the police are satisfied that a gun forms part of a genuine and established collection, then they may wish to consider whether a firearm is of historical importance as an integral part of that collection see paragraph 9.19-9.23, bearing in mind that an established collector may have more than one theme to their collection;
- v. Guns which would be exempt “antiques” under the terms of section 58(2) of the 1968 Act but for their being fired are likely to be of “historic interest” for these purposes but not necessarily so;
- vi. In most cases guns made before 1919 may be considered of “historic importance” in themselves due to their age and rarity;
- vii. Conversely, guns manufactured after the Second World War may be less likely to be held to be of historic interest in themselves, in as far as they are more likely to have survived in numbers although numbers surviving were reduced following the handgun ban in the 1997 Act. Nevertheless, as with (vi), there may be special cases which will need to be assessed individually on their merits, as the firearm may be of historic interest to collectors and deserve preservation in its own right. For example, this might include more recent weapons used in Afghanistan or Iraq.

II Aesthetic quality

- 9.27. This may be taken to mean firearms that differ significantly from factory standard in a way intended to enhance their appearance. This will normally involve substantial enhancement or decoration and at least a fair standard of craftsmanship. An elegant but essentially functional design such as the Colt .45 “Single Action Army” would not generally fall within this heading unless it has had factory or after sales work undertaken to it in order to differentiate it, such as engraving or ornamental grips.
- 9.28. It is not practicable within this exemption to judge the aesthetic standards or tastes of different generations and cultures. A Victorian pistol with elaborate decoration might fall within this category even if it might not conform to contemporary preferences. Note should also be taken of the case of *Kendrick v Chief Constable of West Midlands Constabulary* (2000) in which a modern presentation gun was held not to be of “aesthetic quality”.
- 9.29. While opinions are subjective, the police must ensure that a firearm in this category meets objective criteria. This might include evidence that the financial value of the firearm has been significantly raised through its artistic quality, for example from an insurance or other independent valuation.

III Technical interest

- 9.30. While most firearms will be of some technical interest, it may be taken that the intent of section 7(3) is to preserve firearms of especial rather than common technical interest. This category might include those guns that demonstrate a viable response to a technical situation. Such guns would have to possess design features which were distinctive and not widely copied in other guns, or which were the first in a significant field, such as the 1893 Borchardt 7.65mm self-loading pistol. It may be expected that most firearms of technical interest would also be of some rarity.

9.31. Examples might include guns with unusual mechanisms, such as the Webley Fosbery Self-cocking revolver, the Dardick .38 model 1500 with its triangular rounds or the mechanical repeaters and Lancaster multi-barrelled pistols of the Victorian era. Technical adaptations might include, for example, the Spanish JoLoAr cavalry pistol designed for operation with one hand, or the Finnish Lahti 9mm with its powerful mechanism designed to overcome the effects of Arctic cold.

IV Particular rarity

- 9.32. Section 7 provides that the firearm must be of particular rarity, rather than merely uncommon. The status of the gun will depend on a number of factors, including any distinctive markings, place of manufacture or service history. Patent and experimental models which were never manufactured in commercial or military quantities would be considered rare, such as the Gabbett Fairfax Mars self-loading pistol or the Mannlicher 7.6mm M1894 self-loading pistol. The condition of the gun and the retention of original accessories would not normally make it rare in itself, but would be a factor to consider in judging the overall status of the gun. If the firearm is from a particular or specific personal commission from a manufacturer this should be considered when judging rarity. Many firearms have increased in rarity since the introduction of the 1997 Act and this should be borne in mind when making decisions relating to rarity.
- 9.33. Collections of historic firearms in the UK include examples of most firearms found world-wide. If a pistol is rarely found in the UK then it will generally be rare in international terms and thus probably worthy of preservation.
- 9.34. The following makes and models of gun from the 1919-1945 period would not normally be considered rare, unless the individual example had clear distinguishing characteristics.
- 9.35. Applications submitted in this category may be considered on their individual merits:

Astra:	Models 400, 600 and 900
Beretta:	M 1934 pistol in 9mm short and M 1935 pistol in 7.65mm
Browning FN:	Model 1935 (also known as GP, Grand Puissance or High Power) in 9mm Parabellum
Colt:	Model 1911 in .45 ACP, Model 1903 Pocket Hammerless in .32ACP, Model 1908 in .25ACP, Model 1908 in .380ACP, Model 1917 revolver in .45"ACP, Official Police, Police Positive, Police Positive Special, Detective Special
CZ:	M27 7.65mm pistol
Enfield:	Service .38 No2 (including Albion-made) revolvers (all marks)
Frommer:	Model .37 pistol in 7.65mm
Luger:	(see "Parabellum")
MAB:	Model D pistol in 7.65mm
Mauser:	Model 1934 pistol in .32ACP, Model HS c pistol in .32ACP
'Parabellum-type': byf(Mauser)	P 08 nominal 4" barrel 9mm pistol marked S/42
Radom:	VIS 35 pistol in 9mm Parabellum

Sauer:

Smith & Wesson: “Military and Police” (K frame) –version in .38 S&W (.38-200)

Star: Model B pistol in 9mm Parabellum

Tokarev: Model TT 33 pistol in 7.62mm

Walther: Model 8 pistol in 6.35, Model PP and Model PPK pistols in .32 and .380ACP, P38 pistol in 9mm Parabellum

Parabellum

Unique: Model 17 pistol (Kriegsmodell)

Webley: Mark IV revolver in .38 S&W (.38-200) calibre, though several variants might qualify as “rare”

9.36. Guns made after 1945 may not generally be considered rare or of historic interest in themselves. However, exemptions to this would be models of which only a few examples were made, or now exist in the UK, for example the Jurek, the Sterling revolver and the Victory Arms Co self-loading pistol. Also those incorporating innovative production techniques or designs may be considered rare and therefore warrant preservation.

Designated Sites

9.37. At present (June 2014) sites designated by the Secretary of State under section 7(3) for the keeping and use of historic pistols are as follows:

- i. The National Shooting Centre, Bisley Camp, Surrey
- ii. The Barbican Armoury, Brancepeth Castle, County Durham
- iii. The Leicester Shooting Centre, Leicester
- iv. The Tameside Shooting Centre, Greater Manchester
- v. The Wednesbury Marksmen, West Midlands
- vi. Lincolnshire Shooting Centre, Lincolnshire
- vii. Bedfordshire County Rifle and Pistol Association
- viii. Hertfordshire & Essex Shooting Association
- ix. Valley Arms, Ruthin, Denbighshire
- x. The Hastings 1066 Rifle & Pistol Club, Sussex
- xi. The Target Sports Centre, Dorset

9.38. Further sites may be designated in due course.

9.39. Section 7(3) does not authorise the possession of firearms outside the designated site. If the owner wishes to remove the gun (for example to transfer it to another designated site) this will normally require a carrier holding the Secretary of State’s authority under section 5 and prior police authority to amend the certificate conditions stipulating the new designated site or “at home” if the gun is a 7(1) that had been held at a 7(3) designated site and is being removed by the owner. Also where a section 7(3) firearm is of a type that could be held as a section 58.2 firearm, but for the fact of it being held for firing at a designated site, the status of the firearm can be changed back to section 58.2 so as to allow the owner to remove it from the designated site. This change in status also applies to firearms that qualify for section 7(1) so that they can also be transported by their owners. The change in status will require the permission of the licensing authority prior to the movement of the firearms. The change in status of such a firearm should be made by a letter to the licensing authority.

- 9.40. The main purpose of section 7(3) is to allow guns of historic interest to be preserved and studied, including occasional shooting. It is not intended to allow for competitive target shooting, and nor is there any obligation on owners to fire their guns or regularly visit the site.

Dealers

- 9.41. Registered firearms dealers who wish to trade in historic handguns will need to obtain authority from the Secretary of State under section 5 of the 1968 Act.

Ammunition

- 9.42. It must be noted that the section 7(3) exemption does not cover ammunition. Therefore a section 5 authority would be needed for prohibited ammunition and a firearm certificate would be required for section 1(1)(b) ammunition. Most handgun ammunition will be section 1. Where a certificate holder wishes to fire their firearm held under section 7(3), the ammunition for that firearm should be kept at the designated site unless no section 7(1) handguns in that chambering are held, when section 1 ammunition may be held at home. The certificate should be so conditioned.
- 9.43. If the ammunition is not easily available, then arrangements can be made for the certificate holder to “hand load” at the site. The basic machinery (usually a single stage press) for this will be provided at the site but the appropriate dies, powders, primers, bullets and cartridge cases should be supplied by the certificate holder. Where ammunition is available, then arrangements should be made for it to be transferred to the site by the supplier for the use of the certificate holder. Home loading of ammunition for 7(3) firearms should be possible if the certificate holder does not also hold a 7(1) in the same chambering (see also paragraph 9.42).

Chapter 10: Firearm Certificate Procedure

- 10.1 This chapter provides an overview of the firearm certification procedure.
- 10.2 Firearms law and licensing is in place to allow the legitimate possession and use of firearms by those judged safe to do so. The overarching consideration in all firearms licensing is public safety. Please see chapter 11 for the certificate procedure for shotguns.
- 10.3 The purpose of the firearm certificate procedure is to ensure, in so far as is reasonably possible, that a certificate is issued only to a person who
- i) is found to be a 'fit person' and
 - ii) has demonstrated a 'good reason' to own a firearm (see chapter 13).
- 10.4 Firearms legislation and the subject of firearms generally is complex and highly specialised. It is not practicable to provide comprehensive training for every police officer on the administration of the Firearms Acts. It is therefore essential that this guide is available to all police officers and support staff directly involved in the licensing procedures as well as applicants and certificate holders. Where difficulties arise, advice may be sought from the firearms licensing departments of relevant police services. Much knowledge and experience is also held within the shooting and heritage organisations (see Appendix 1) who may also be consulted for advice and information.
- 10.5 Before granting or renewing a firearm certificate, the chief officer of police must be satisfied that the applicant can be permitted to have the firearm(s)/ammunition in their possession without danger to the public safety or to the peace. A home visit should always be carried out before granting a certificate to a first time applicant. This should include an interview and consideration of their security arrangements. At renewal a risk-based assessment may indicate the need for another interview with the applicant or further enquiries about security arrangements. These enquiries may be done over the telephone or by email rather than by home visit, in accordance with the level of the risk assessment. Home visits should always be made by prior appointment and take place at a mutually convenient time.
- 10.6 It is necessary for police forces to make more extensive use of IT systems to mitigate risk caused by certificate holders who come to the notice of the police. The continuous monitoring of integrated IT systems for certificate holders means prompt action to remove firearms and revoke certificates can be taken where necessary. Chief Officers who adopt a risk assessment approach to the consideration of applications to renew firearm certificates may decide a home visit is not necessary in all cases. However, chief officers adopting a risk assessment approach must be satisfied that the applicant can continue to be permitted to have the firearm(s)/ammunition in their possession without danger to public safety or the peace.