



Antique firearms

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Author:	DCI Matt Markham – November 2015
Force/Organisation:	NABIS – West Midlands Police
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Contact details:	nabis@west-midlands.pnn.police.uk 0121 626 7114
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1. Antique firearms

Key points

- **It is lawful to possess antique firearms if they are kept as a 'curiosity' or 'ornament'.**
- **The status of an antique firearm is usually classified as antique because it requires obsolete ammunition, or because of the technical obsolescence of the weapon itself.**
- **The law on antique firearms is being exploited by criminal gangs.**
- **Section 21 of the Firearms Act 1968, which refers to disqualification from holding a certificate, applies to the possession of antique weapons.**
- **Most antique firearms used in crime are revolver type weapons, therefore spent cartridges are less likely to be found at the crime scene.**
- **Intelligence suggests multiple purchases of the same type of antique firearm might be an indicator that the weapons are more likely to fall into criminal hands. Any relevant intelligence should be developed.**
- **An antique firearm will cease to benefit from antique classification and require necessary certification if it is used in circumstances other than as an 'ornament' or 'curiosity'.**
- **An antique firearm remains a firearm for the purposes of offences under the Firearms Act 1968.**
- **Where a non-licensed person has possession of an antique firearm (or firearms) and equipment for making ammunition, this should be assessed as a potential crime scene.**

1.1. General

The law allows possession of an antique firearm if it is held as a curiosity or ornament. 'Antique', 'curiosity' and 'ornament' are not, however, defined within firearms legislation. The criteria applied, therefore, to determine if a firearm is an antique, is based upon the date of manufacture, technical obsolescence or the lack of commercially available ammunition suitable for the weapon (obsolete calibre firearms/obsolete ammunition).

There is evidence, however, that criminals are adapting ammunition, or manufacturing ammunition, capable of being used in these weapons, and such weapons are being used in crime including homicides.

[Section 21](#) of the Firearms Act 1968 applies to the possession of antique weapons, irrespective of whether they are being held as a curiosity or ornament.

It would appear that criminals are increasingly exploiting the law in relation to antique weapons. The status of these weapons makes it difficult to identify those sales where the weapons are intended for criminal use. There is, however, recent UK evidence supporting academic research (Wright, Wintemute and Webster 2010: p361) suggesting that where there are multiple purchases of the same weapon, or type of weapon, either at the same time or over a period of time, these are more likely to end up in the hands of criminals.

The same academic research also suggests that firearms purchased by females (supposedly because they were less likely to raise suspicion and/or they were being used/exploited by criminals) were also more likely to end up in the hands of criminals. While this has not been established in the UK, it may be worth considering when police are dealing with gun crime associated with gangs/organised crime groups.

1.2. Confirming a firearm is being held as a curiosity or ornament

When police encounter a non-licensed person in possession of an antique weapon and it is believed or suspected that that person has it for criminal purposes, the following should be considered:

- Is the gun displayed on a wall or in a cabinet as an ornament/curiosity? If not, it may weaken any such claim.
- Does the person have a genuine interest in firearms? Are they a licensed gun owner?
- Is there any other evidence of a genuine interest in antiques/antique firearms such as magazines, membership of relevant organisations or other associated paraphernalia? It might not be unrealistic to expect to find such material in the case of someone innocently possessing an antique firearm.
- Does the person possess multiple weapons of the same type? Unless a person is a trader, or the guns are particularly valuable or unique, it might be unusual for an innocent person to own more than one of the same type of weapon.
- Is the person disqualified from possessing firearms under s21 Firearms Act 1968? If so, they cannot possess an antique weapon for any reason.
- If the person has ammunition suitable for the weapon (a forensic firearms expert will be required to establish this) and it not appropriately licensed, then they cannot rely on the antique status of the weapon as a defence.

- If a person is found with an antique weapon in public, does the reason given align with the weapon being held as an ornament or curiosity? Are they travelling to or from a show/exhibition? Have they recently purchased it (where/when/receipts)?
- Does the person have component parts/equipment for making ammunition? For example, reloading press, powder measures, digital callipers/scales bullets, cases, propellants. If so, a forensic firearms expert can assist and consideration should be given to investigating it as a crime scene.

1.3. Offences that can be committed with an antique firearm

Notwithstanding a firearm's status as an antique, it can still be used in the commission of various offences set out in the Firearms Act 1968, for example:

- Section 16 – possession of a firearm or ammunition with intent to endanger life
- Section 16A – possession of a firearm or imitation firearm with intent to cause fear of violence
- Section 17(1) – using a firearm or imitation firearm to resist or prevent lawful arrest of himself or another
- Section 18 – carrying a firearm or imitation firearm 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

Offences contrary to common law (murder/manslaughter), other offences against the person (assault/wounding) and offences against property may also be committed.

1.4. Crown Prosecution Service definition of antique firearms

The Crown Prosecution Service legal guidance on firearms offences identifies that there is no definition of 'antique' in the legislation. The [Home Office Guide on Firearms Licensing Law \(March 2015\)](#) assists prosecutors when determining if a weapon can be classified as an antique. Briefly summarised, the Home Office guide provides that the following pre-1939 guns will be classified as antique:

- all muzzle-loading firearms

- breech-loading firearms capable of discharging a rimfire cartridge other than .22 inch or .23 inch (or their metric equivalents), 6mm or 9mm) rimfire
- breech-loading firearms using ignition systems other than rimfire and centrefire (these include pin-fire and needle-fire ignition systems, as well as the more obscure lip fire, cup-primed, teat fire and base fire systems)
- breech-loading centrefire firearms originally chambered for one of the obsolete cartridges listed in Appendix 5 of the guidance, and which retain their original chambering
- shotguns and punt guns chambered for the following cartridges (expressed in imperial measurements): 32 bore, 24 bore, 14 bore, 10 bore ($2\frac{5}{8}$ and $2\frac{7}{8}$ inch only), 8 bore, 4 bore, 3 bore, 2 bore, $1\frac{1}{8}$ bore, $1\frac{1}{4}$ bore and $1\frac{1}{2}$ bore, and vintage punt guns and shotguns with bores greater than 10. It also includes vintage (pre-1939) rifles in these bores.

1.5. Weapons that do no benefit from antique classification

The Home Office guide also lists the following weapons as being modern and not benefiting from antique classification (please note this is not an exhaustive list):

- shotguns and smooth-bored guns, including shot pistols, chambered for standard shotgun cartridges, .22 inch, .23 inch, 6mm and 9mm rimfire cartridges unless otherwise specified in the list of obsolete shotgun chamberings in Appendix 5 of the Home Office guide.
- rifles and handguns chambered for .22 inch, .23 inch, 6mm or 9mm rimfire ammunition
- revolvers, single-shot pistols and self-loading pistols which are chambered for, and will accept, centrefire cartridges of the type .25, .30, .32, .38, .380, .44, .45, .450, .455 and .476 inch, or their metric equivalents including 6.35mm, 7.62mm, 7.63mm, 7.65mm, 8mm and 9mm, unless otherwise specified in the list at Appendix 5
- modern reproduction firearms or old firearms which have been modified to allow the use of shotgun cartridges or cartridges not listed in Appendix 5
- weapons extensively modified after 1939
- signalling pistols chambered for 1 and $1\frac{1}{2}$ inch cartridges or 26.5mm/27mm cartridges
- pump-action and self-loading centrefire rifles, except those examples originally chambered for one of the obsolete cartridges listed in Appendix 5 of the Home Office

guide and retaining their original chamberings. The latter may benefit from an exemption as antiques under section 58(2) of the 1968 Act (as amended).

Where there is any doubt, and in any event where criminal proceedings are being considered, advice should always be sought from a forensic firearms expert in establishing/confirming whether or not a weapon has antique status. The CPS will almost certainly require evidence before making any charging decisions.

A Saint-Étienne revolver – a common antique firearm used in criminality



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