



Deactivated weapons

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This revised advice has been produced and approved by the NABIS and the National Criminal Use of Firearms Group. It has been approved by NCOCC and VPP portfolio lead. The operational implementation of all guidance and strategy will require operational choices to be made at local level in order to achieve the appropriate police response and this document should be used in conjunction with other existing Authorised Professional Practice (APP) produced by the College of Policing. It will be updated and re-published as necessary.

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1. Deactivated weapons

Key points

- Deactivated weapons are largely indistinguishable from those capable of firing.
- Many deactivated weapons will have a proof mark, but the weapon may still be capable of firing.
- Proof house marks are an evidential provision only.
- Firearms deactivated by other means (without proof house marks) may no longer fulfil the definition of a firearm and thus no longer require domestic authority to possess/acquire/sell etc.
- Depending upon when they were deactivated, some weapons are more easily reactivated than others.
- Some reactivations only require readily available tools.
- Reactivation can be carried out almost anywhere.
- Section 21 of the Firearms Act 1968 does not apply to properly deactivated weapons.
- It is still possible to commit an offence under the Firearms Act 1968 with a deactivated weapon.

1.1. General

Deactivated firearms are weapons that are no longer capable of discharging a live round. They can be possessed without a firearms certificate. There are a number of legitimate uses for deactivated weapons ([Firearms Consultative Committee 2002](#)), for example:

- historical re-enactment
- collectors'/museum pieces
- use in theatre or film
- interior decoration (eg, vintage guns on walls of public houses).

In addition family members who have inherited a weapon which they wish to keep for sentimental reasons, can be retained without a certificate if it is deactivated.

Deactivated weapons are largely indistinguishable from unmodified weapons that are capable of firing. The deactivation process has been designed to preserve the outward appearance of such weapons. In most cases they will carry a mark from a proof house, but this does not offer any guarantee that a weapon cannot discharge a projectile. Weapons

may have been illegally reactivated and should therefore be treated with the same caution as a live firearm.

The requirement for a deactivated firearm to carry a proof house mark certifying deactivation is an evidential provision only. Firearms deactivated by other means may well no longer fulfil the definition of a firearm and thus no longer require authority to possess, acquire, sell, etc. They will, therefore, also not bear a proof mark. Any such weapon should be examined by a forensic firearms expert to confirm the status of the weapon.

UK proof houses maintain records listing all submissions of deactivated firearms by serial number and description. An enquiry can be made via the proof master of each proof house to establish the details of all such submissions and any resubmissions. The data held normally includes firearm type, origin, manufacturer's serial number, calibre, barrel length, details of the original submitter and date of any deactivation conformity certificate issued and therefore the specification of deactivation at that time in force. A counterfoil of the original deactivation certificate may also be available. This is helpful for identifying firearms which may have been passed off with fraudulent certificates and marks.

The [Specifications for the adaptation of shotgun magazines and the deactivation of firearms \(Revised 2010\)](#) set out the latest technical aspects of achieving a satisfactory level of deactivation. Even the toughest of measures, however, may not prevent a person with relevant expertise, equipment and motivation from reactivating a weapon. It is worth noting that the requirements set out in 2010 were not retrospective, meaning that there remain legally deactivated weapons in circulation which are potentially more readily reactivated than the newer standards would prescribe. Indeed, there is evidence that prior to the 1995 changes, deactivation firms submitted large numbers of weapons to the proof houses to get them proved at the lower standards (Firearms Consultative Committee 2002: p35).

The process of reactivation in respect of certain types of weapons may not require a sophisticated workshop and can be done with tools available from a DIY store. In one case, for example, reactivation was carried out in the kitchen of a one bedroom sheltered housing bedsit.

Properly deactivated weapons can be held by a person who would otherwise be disqualified under the provisions of [s21 Firearms Act 1968](#) (disqualification from possessing firearms having been sentenced to the relevant term of imprisonment/suspended sentence).

A properly deactivated weapon may still be used in the commission of an offence under the Firearms Act 1968, for example:

- 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 while having with him a firearm or imitation firearm.

A firearm bearing a Birmingham Proof House deactivation mark



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