



Advice Note

Buying and Selling Firearms, Knives and other Weapons

COLLE>CHANGE

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WRIGHT | HASSALL

Every client an advocate. That's the Wright Hassall way.

BACKGROUND

1. BACKGROUND

- 1.1 Collexchange Limited ("CX") will be providing and operating an online digital platform on which users can buy and/or sell militaria (the "**Website**").
- 1.2 Whilst CX is providing the digital marketplace where militaria can be sold, the contracts for the sale of such militaria will be between two users of the Website, being a "**Seller**" and a "**Buyer**".
- 1.3 CX is aware that there are a number of rules and regulations as to the sale of knives, firearms and other weapons ("**Applicable Laws**"), which may apply to certain types of militaria, such as pistols and cutlasses.
- 1.4 CX has requested our assistance in relation to:
 - 1.4.1 obtaining a high level overview as to what UK laws and regulations apply to the sale and purchase of knives, firearms and weapons;
 - 1.4.2 understanding the extent to which any such laws and regulations may apply to CX as the provider and operator of the Website;
 - 1.4.3 determining, from a commercial perspective, what obligations CX may wish to impose on users of its Website to comply with laws and regulations applicable to the sale and purchase of knives, firearms and weapons.

EXECUTIVE SUMMARY

2. EXECUTIVE SUMMARY

- 2.1 The Applicable Laws are numerous, complex and inconsistent.
- 2.2 However, broadly speaking, subject to certain exceptions relating to the age, type and/or intended use of the weapon:
 - 2.2.1 the sale of a large number of types of knives is prohibited;
 - 2.2.2 both buyers and sellers of firearms must be registered, have certain licences/registrations in place and/or notify the relevant authorities upon the purchase of a firearm.
- 2.3 Applicable Laws make certain exceptions for the sale/purchase of "antique" weapons. A weapon must satisfy a number of criteria to qualify as "antique", including as to its age:
 - 2.3.1 knives must be at least 100 years old; and

2.3.2 firearms must have been manufactured prior to 1st September 1939.

Given that World War Two started on 1st September 1939, this means that the sale and purchase of most World War Two knives and firearms (which may make up a significant proportion of the goods being sold on the Website) are not likely to be exempt from Applicable Laws.

2.4 Provided that CX makes it expressly clear to users of the Website (both on the Website itself and in its terms and conditions ("T&Cs")) that:

- 2.4.1 it is only providing a platform on which militaria can be purchased/sold by users of the Website;
- 2.4.2 it is not acting as a selling agent of Sellers using the Website;
- 2.4.3 it never takes ownership of or possession of any militaria sold through the Website; and
- 2.4.4 when a Buyer purchases militaria via the Website, it is purchasing such militaria directly from the relevant Seller (i.e. not CX) and that the contract for sale of such militaria will be between the relevant Buyer and Seller,

CX will not have an obligation to comply with the Applicable Laws itself, although both Buyers and Sellers will need to ensure they comply with Applicable Laws when using the Website.

2.5 Notwithstanding the above, CX would likely suffer significant damage to its reputation if it became known that users of its Website did not comply with Applicable Laws and/or used the Website to intentionally make illegal sales of weapons.

2.6 As such, CX may want to consider taking the following steps to help ensure users of the Website comply with Applicable Laws:

- 2.6.1 include obligations in its T&Cs that require users to ensure that they comply with Applicable Laws when buying and/or selling militaria;
- 2.6.2 include a right in its T&Cs for CX to:
 - (a) ask any user of the Website to provide proof of age and/or possession of the necessary licences, registrations, certifications (etc.) required under Applicable Laws; and
 - (b) suspend a user's access to the Website if it does not or is unable to comply with the above;

- 2.6.3 include the right for both Sellers and Buyers to ask the other for proof of age and/or possession of the necessary licences, registrations, certifications (etc.) required under Applicable Laws prior to completing a sale of militaria.

DETAILED ADVICE

3. KNIVES

- 3.1 It is illegal to:
- 3.1.1 carry most knives or any weapons in public without a "good reason" (i.e. for work, religious reasons or part of your national costume);
 - 3.1.2 sell most knives (or any weapons) to anyone under the age of 18;
- 3.2 The exception to these two rules are folding pocketknives that:
- 3.2.1 have a cutting edge no longer than 3 inches; and
 - 3.2.2 are not lock knives (i.e. they do not have a button, spring or catch that you have to use to fold the knife).
- 3.3 If a knife is listed in the table available through the following [link](#), it is illegal to:
- 3.3.1 possess it;
 - 3.3.2 bring it into the UK;
 - 3.3.3 sell or hire it out; or
 - 3.3.4 lend or give it to someone
- 3.4 Knives and weapons which are over 100 years old are exempt, except for flick knives.

4. FIREARMS (GENERAL PROVISIONS)

- 4.1 Broadly, you must be aged 14 or over to possess a firearm, for which you are generally required to have a firearm certificate.
- 4.2 You must be aged 18 or over to purchase or hire any firearm or ammunition.
- 4.3 Persons (i.e. Sellers who are businesses/sole traders) who, as part of their trade or business, manufacture, sell or transfer firearms or ammunition need to be registered as a firearms dealer.
- 4.4 All persons (i.e. all Sellers) who dispose of firearms or ammunition, must observe the provisions of Applicable Laws regarding:

- 4.4.1 ensuring that the Buyer has the necessary certificates, permits and registrations in place in order to complete the purchase;
 - 4.4.2 notifying the police of all relevant sales/transfers;
 - 4.4.3 are generally required to keep a register of transactions.
- 4.5 Any person (i.e. Buyers) wishing to posses or acquire firearms or ammunition must hold the necessary certification, unless they are exempt.
- 4.6 Owners of firearms are required to comply with the level of safe keeping conditions applicable to their specific firearm.
- 4.7 Where a firearm has been deactivated, such that it has been rendered incapable of discharging a shot, bullet, or other missile, the age limits specified above in relation to the possession and sale of firearms still apply and all transfers must be notified to the Home Office.

5. HISTORIC HANDGUNS

- 5.1 Firearms which either:
- 5.1.1 have a barrel less than 30cm in length; or
 - 5.1.2 are less than 60cm in length overall,
- are prohibited and can only be possessed with the authority of the Secretary of State.
- 5.2 However, there are exemptions for ownership of certain classes of historic handguns by private individuals providing certain conditions are met:
- 5.2.1 **Exemption 1: Kept at home as part of a collection:**
- (a) the firearm was manufactured before 1st January 1919; and
 - (b) that specific person has a certificate to own, purchase or acquire the firearm subject to them keeping or exhibiting the firearm as part of a collection; and
 - (c) ammunition for the firearm is not readily available;
- 5.2.2 **Exemption 2: Rarity, quality, interest or historical importance:**
- (a) the firearm is of historical importance; or
 - (b) the firearm is of particular rarity, aesthetic quality or technical interest; and

- (c) the person has a certificate to own, purchase or acquire the firearm subject to them keeping and using it at a specific place.
- 5.3 In **Exemption 1**, what constitutes a “collection” will be determined by the police, who must be sure the collection is genuine and not a means to avoid complying with Applicable Laws. Factors suggestive of a satisfactory “collection” include:
- 5.3.1 a collection of several related firearms of historical interest;
 - 5.3.2 a collection of historic (rather than personal or sentimental) interest;
 - 5.3.3 a collection considered to be established and substantial;
 - 5.3.4 if the firearm is a significant part of a collection of other artefacts or a small part of a larger and established collection of related historic items;
 - 5.3.5 the owner of the firearm being a member of a historical society (etc.) and/or having a genuine and well-established interest in historic firearms.
- 5.4 In **Exemption 2**:
- 5.4.1 a firearm of “historical importance” could be: one that has been owned by a famous historical figure, of an era and location rarely found in the UK, part of a genuine and established collection, an “antique” but for having been fired or one that has been made before 1919;
 - 5.4.2 a firearm of “aesthetic quality” could be one that has been the subject of substantial enhancement or decoration and at least a fair standard of craftsmanship;
 - 5.4.3 a firearm of “technical interest” could be one with design features which are distinctive and not widely copied in other guns, unusual mechanisms or technical adaptations; and
 - 5.4.4 a firearm of “particular rarity” could be one that has distinctive markings or a distinctive place of manufacture or service history, was a patent or experimental model, is of unusually good condition or was made before 1919.
6. **ANTIQUE FIREARMS**
- 6.1 Firearms which are sold, transferred, purchased, acquired or possessed as a “curiosity or ornament” (i.e. are “antiques”) are exempt from the need for certification and being registered.

- 6.2 A firearm is considered to be "antique" if it was manufactured before 1st September 1939 and either:
- 6.2.1 its propulsion system is of a specified type; or
 - 6.2.2 the chamber or chambers are those that the firearm had when it was manufactured (or is a replacement that is identical in all material respects) and the firearm is chambered for use with a specified cartridge

WRIGHT HASSALL LLP
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