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Dear Lord Stevenson,

I promised to write to you following the committee stage of the Private Members' Bill on a Register of Arms Brokers proposed by Baroness Jolly, which took place on Friday 18 November.

During this debate and previously at the Second Reading debate on the Bill the Government's position has been clear, in that we do not consider that there is a gap or lacuna in legislation in the area of trade controls.

As emphasised during the Second Reading debate, the Government considers that it complies fully with Article 10 of the Arms Trade Treaty which states that each state party shall take measures in accordance with its national laws to regulate brokering. It further states that such measures may include requiring brokers to register or obtain written authorization before engaging in brokering. The wording of the Treaty clearly regards the two processes – either a register or a licensing system - as alternatives and imposes no requirement to introduce a register in addition to an existing licensing system. The UK also complies fully with the EU Common Position and the existing EU Firearms Regulation, which is currently under review.

The Government is not convinced that the proposed register would bring any guarantees of better enforcement, greater transparency or in any way prevent the activities of unscrupulous brokers who operate illegally outside and under the radar of existing controls.

Another aspect of the Government's caution towards introducing a register concerns the exact scope of any such system which would require a vetting test or tests that would apply to both individuals and companies that would need to stand up to legal scrutiny. To date, no such all-encompassing tests have been proposed, beyond unspecified criteria concerning tax status or previous criminal history. These vetting tests would be difficult in practice to apply to the idea of a register of arms brokers (as compared to a register of firearms licence holders, for instance) which principally applies to company applications, whereas a criminal record (for example) applies to an individual.

The Lord Stevenson of Balmacara
House of Lords

The Government considers there are potentially extensive administrative overheads on both legitimate businesses and on the Export Control Organisation in terms of setting up processes and resources dedicated to operating and maintaining a register. We are not satisfied that there is sufficient evidence of a problem to justify extending controls on brokers further, particularly as doing so would place additional burdens on business that would not be proportionate to the risks.

During the committee stage, reference was made by Baroness Jolly to the existence of other registration systems in place – examples being the register of general medical practitioners or the Gangmasters Licensing Register. In these and other examples, however, there is a professional or employment industry standard that needs to be met. In the case of arms brokers, there is no such professional standard.

I appreciate that Baroness Jolly's Bill has been tabled with commendable and genuine humanitarian intentions, which we also share from our own perspective.

I would like to reassure both you and other supporters of my noble Lady's Bill that, the Government remains committed to pursuing those who seek to evade and breach trade controls and this is best achieved on a risk based enforcement basis through intelligence and other cross government activities of HMRC and other agencies.

I will place a copy of this letter in the Library of the House.

Yours ever,


BARONESS MOBARIK CBE