



# Firearms (Amendment) Act 1997

## 1997 CHAPTER 5

An Act to amend the Firearms Acts 1968 to 1992; to make provision in relation to the licensing and regulation of pistol clubs; to make further provision for regulating the possession of, and transactions relating to, firearms and ammunition; and for connected purposes. [27th February 1997]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### Commencement Information

II Act not in force at Royal Assent, see s. 53(3)

## PART I

### PROHIBITION OF WEAPONS AND AMMUNITION AND CONTROL OF SMALL-CALIBRE PISTOLS

#### *General prohibition of small firearms etc.*

#### **1 Extension of s.5 of the 1968 Act to prohibit certain small firearms etc.**

- (1) Section 5 of the <sup>M1</sup>Firearms Act 1968 (referred to in this Act as “the 1968 Act”) shall have effect with the following amendments.
- (2) In subsection (1) (which describes weapons which are prohibited by section 5), after paragraph (ab) there shall be inserted the following paragraph—
  - “(aba) any firearm which either has a barrel less than 30 centimetres in length or is less than 60 centimetres in length overall, other than an air weapon, a small-calibre pistol, a muzzle-loading gun or a firearm designed as signalling apparatus;”.

**Status:** Point in time view as at 01/10/1997. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Firearms (Amendment) Act 1997. (See end of Document for details)

- (3) In paragraph (ab) (self-loading or pump-action rifles) of that subsection, for the word “rifle” there shall be substituted the words “rifled gun”.
- (4) In paragraph (ac) (self-loading and pump-action smooth-bore guns) after the word “not” there shall be inserted the words “an air weapon or”.
- (5) In paragraph (ad) (smooth-bore revolver guns), for the words from “loaded” to the end there shall be substituted the words “a muzzle-loading gun”.
- (6) After subsection (7) there shall be inserted the following subsections—
- “(8) For the purposes of subsection (1)(aba) and (ac) above, any detachable, folding, retractable or other movable butt-stock shall be disregarded in measuring the length of any firearm.
- (9) Any reference in this section to a muzzle-loading gun is a reference to a gun which is designed to be loaded at the muzzle end of the barrel or chamber with a loose charge and a separate ball (or other missile).”
- (7) The general prohibition by section 5 of the 1968 Act of firearms falling within subsection (1)(aba) of that section is subject to the special exemptions in sections 2 to 8 below.
- (8) In sections 2 to 8 below any reference to a firearm certificate shall include a reference to a visitor’s firearm permit.
- (9) In section 57 of the 1968 Act (interpretation), after subsection (1) there shall be inserted the following subsection—
- “(1A) In this Act “small-calibre pistol” means—
- (a) a pistol chambered for .22 or smaller rim-fire cartridges; or
- (b) an air pistol to which section 1 of this Act applies and which is designed to fire .22 or smaller diameter ammunition.”

**Modifications etc. (not altering text)**

**C1** S. 1(3) excluded (10.6.1997) by S.I. 1997/1535, arts. 3(b), 5, **Sch. Pt. I**

**Commencement Information**

**I2** S. 1 wholly in force at 1.7.1997; s. 1 not in force at Royal Assent see s. 53(3)(4); s. 1 in force at 1.7.1997 by S.I. 1997/1535, art. 3(b), **Sch. Pt. I** (with effect as mentioned in arts. 4, 4A (as amended by S.I. 1997/1536, art. 2) of the commencing Act)

**Marginal Citations**

**M1** 1968 c. 27.

*Special exemptions from prohibition of small firearms*

**2 Slaughtering instruments.**

The authority of the Secretary of State is not required by virtue of subsection (1)(aba) of section 5 of the 1968 Act—

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- (a) for a person to have in his possession, or to purchase or acquire, or to sell or transfer, a slaughtering instrument if he is authorised by a firearm certificate to have the instrument in his possession, or to purchase or acquire it;
- (b) for a person to have a slaughtering instrument in his possession if he is entitled, under section 10 of the 1968 Act, to have it in his possession without a firearm certificate.

### **3 Firearms used for humane killing of animals.**

The authority of the Secretary of State 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 if he is authorised by a firearm certificate to have the firearm in his possession, or to purchase or acquire it, subject to a condition that it is only for use in connection with the humane killing of animals.

### **4 Shot pistols used for shooting vermin.**

- (1) The authority of the Secretary of State 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 shot pistol if he is authorised by a firearm certificate to have the shot pistol in his possession, or to purchase or acquire it, subject to a condition that it is only for use in connection with the shooting of vermin.
- (2) For the purposes of this section, “shot pistol” means a smooth-bored gun which is chambered for .410 cartridges or 9mm rim-fire cartridges.

### **5 Races at athletic meetings.**

The authority of the Secretary of State is not required by virtue of subsection (1)(aba) of section 5 of the 1968 Act—

- (a) for a person to have a firearm in his possession at an athletic meeting for the purpose of starting races at that meeting; or
- (b) for a person to have in his possession, or to purchase or acquire, or to sell or transfer, a firearm if he is authorised by a firearm certificate to have the firearm in his possession, or to purchase or acquire it, subject to a condition that it is only for use in connection with starting races at athletic meetings.

### **6 Trophies of war.**

The authority of the Secretary of State is not required by virtue of subsection (1)(aba) of section 5 of the 1968 Act for a person to have in his possession a firearm which was acquired as a trophy of war before 1st January 1946 if he is authorised by a firearm certificate to have it in his possession.

### **7 Firearms of historic interest.**

- (1) The authority of the Secretary of State 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 1st January 1919; and
  - (b) is of a description specified under subsection (2) below,

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if he is authorised by a firearm certificate to have the 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 1st January 1919; and
- (b) ammunition for firearms of that type is not readily available.

(3) The authority of the Secretary of State 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.

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

**Modifications etc. (not altering text)**

**C2** S. 7(3) restricted (*temp.* to 1.7.1997) by S.I. 1997/1538, **reg. 2**

*Weapons and ammunition used for treating animals*

**8 Weapons and ammunition used for treating animals.**

The authority of the Secretary of State is not required by virtue of subsection (1)(aba), (b) or (c) 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, any firearm, weapon or ammunition designed or adapted for the purpose of tranquillising or otherwise treating any animal, if he is authorised by a firearm certificate to possess, or to purchase or acquire, the firearm, weapon or ammunition subject to a condition restricting its use to use in connection with the treatment of animals.

*Prohibited ammunition: expanding ammunition and missiles for expanding ammunition*

**9 General prohibition of expanding ammunition etc.**

In section 5(1A) of the 1968 Act (weapons and ammunition subject to general prohibition), for paragraph (f) there shall be substituted the following paragraph—

- “(f) any ammunition which incorporates a missile designed or adapted to expand on impact;”.

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### Commencement Information

- I3** S. 9 wholly in force at 1.7.1997; s. 9 not in force at Royal Assent see s. 53(3)(4); s. 9 in force at 1.7.1997 by S.I. 1997/1535, art. 3(b), **Sch. Pt. I** (with effect as mentioned in arts. 4, 4A (as amended by S.I. 1997/1536, art. 2) of the commencing Act)

## 10 Expanding ammunition etc.: exemptions from prohibition.

- (1) Section 5A of the 1968 Act (exemptions from requirement of authority under section 5) shall be amended as follows.

- (2) In subsection (4) (shooting of animals)—

(a) after the word “acquire”, in the first place it appears, there shall be inserted the words “, or to sell or transfer,”; and

(b) for paragraphs (a) and (b) there shall be substituted the following paragraphs—

“(a) he is authorised by a firearm certificate or visitor’s firearm permit to possess, or purchase or acquire, any expanding ammunition; and

(b) the certificate or permit is subject to a condition restricting the use of any expanding ammunition to use in connection with any one or more of the following, namely—

(i) the lawful shooting of deer;

(ii) the shooting of vermin or, in the course of carrying on activities in connection with the management of any estate, other wildlife;

(iii) the humane killing of animals;

(iv) the shooting of animals for the protection of other animals or humans.”.

- (3) For subsection (7) (firearms dealers) there shall be substituted the following subsection—

“(7) The authority of the Secretary of State shall not be required by virtue of subsection (1A) of section 5 of this Act for a person carrying on the business of a firearms dealer, or any servant of his, to have in his possession, or to purchase, acquire, sell or transfer, any expanding ammunition or the missile for any such ammunition in the ordinary course of that business.”.

PROSPECTIVE

*Provisions relating to the control of small-calibre pistols*

## 11 Having small-calibre pistol outside licensed pistol club.

- (1) After section 19 of the 1968 Act (carrying firearm in a public place) there shall be inserted the following section—

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**“19A Having small-calibre pistol outside premises of licensed pistol club.**

- (1) It is an offence for any person to have a small-calibre pistol with him outside licensed premises of a licensed pistol club.
- (2) It is not an offence for a person to have with him a small-calibre pistol if—
  - (a) he is permitted by virtue of any provision of this Act to have the pistol in his possession without holding a firearm certificate or a visitor’s firearm permit;
  - (b) he is authorised to have the pistol with him by virtue of a permit granted under section 13 of the Firearms (Amendment) Act 1997; or
  - (c) he is authorised to have the pistol in his possession by virtue of a firearm certificate or visitor’s firearm permit which is not subject to a condition requiring it to be kept at a licensed pistol club.
- (3) In this section “licensed pistol club” means a pistol club which is licensed under Part II of the Firearms (Amendment) Act 1997 and “licensed premises” has the meaning given in section 19 of that Act.”
- (2) In Part I of Schedule 6 to the 1968 Act (prosecution and punishment of offences), after the entry for section 19 there shall be inserted the following entry—

“Section 19A.	Having small-calibre pistol outside premises of licensed pistol club.	(a) Summary	6 months or a fine of the statutory maximum; or both.
		(b) On indictment	10 years or a fine; or both.”

**12 Firearm certificates for small-calibre pistols: special conditions.**

- (1) If a chief officer of police is satisfied, on an application for the grant or renewal of a firearm certificate in respect of a small-calibre pistol, that the applicant’s only reason for having the pistol in his possession is to use it for target shooting, any certificate which may be granted to the applicant or, as the case may be, renewed shall be held subject to the following conditions (in addition to any other conditions), namely—
  - (a) the pistol is only to be used for target shooting;
  - (b) the holder must be a member of a licensed pistol club specified in the certificate;
  - (c) the pistol must be kept at licensed premises of that club which are so specified.
- (2) A person who commits an offence under section 1(2) of the 1968 Act by failing to comply with any of the conditions specified in subsection (1) above shall be treated for the purposes of provisions of that Act relating to the punishment of offences as committing that offence in an aggravated form.
- (3) Any firearm certificate in force immediately before the day on which this section comes into force which—
  - (a) relates to a small-calibre pistol; and

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- (b) is subject to the condition that the pistol is only to be used on an approved range;
- shall be treated on and after that day as being held subject to a condition requiring the pistol to be kept at licensed premises of a licensed pistol club.
- (4) Subsections (1) and (3) above apply in relation to a visitor’s firearm permit as they apply to a firearm certificate.
- (5) A holder of a visitor’s firearm permit who commits an offence under section 17(10)(b) of the <sup>M2</sup>Firearms (Amendment) Act 1988 (in this Act referred to as “the 1988 Act”) by failing to comply with any condition mentioned in subsection (1) or (3) above is punishable—
- (a) on conviction on indictment, with imprisonment for a term not exceeding seven years or a fine or both; and
- (b) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both.

#### Marginal Citations

M2 1988 c. 45.

### 13 Permits to have small-calibre pistols outside licensed pistol clubs.

- (1) A person whose firearm certificate for a small-calibre pistol is held subject to a condition that the pistol must be kept at licensed premises of a licensed pistol club may make an application in the prescribed form to the chief officer of police for the area in which he resides for a permit under this section authorising a person specified in the permit to have the pistol in his possession outside those premises for any proper purpose.
- (2) A permit under this section shall not, unless the circumstances appear to the chief officer of police to be exceptional, authorise any holder of a firearm certificate which relates to the pistol to have the pistol with him in any place other than the licensed premises of a licensed pistol club or the premises at which a designated target shooting competition specified in the permit is being held.
- (3) A proper purpose for having a small-calibre pistol outside the licensed premises at which it is required to be kept may be any of the following, namely—
- (a) conveying the pistol to those premises following—
- (i) the release of the pistol from police custody under Schedule 1 to this Act;
- (ii) the purchase or acquisition of the pistol; or
- (iii) a change in the licensed premises at which the pistol is required to be kept;
- (b) having the pistol repaired or maintained by a registered firearms dealer;
- (c) enabling the pistol to be used at a designated target shooting competition;
- (d) selling or otherwise disposing of the pistol; or
- (e) any other purpose which appears to the chief officer of police to be proper in all the circumstances.

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- (4) Where a person makes an application under subsection (1) above in relation to a pistol, the chief officer of police may, if he thinks fit, grant a permit in the prescribed form; and any such permit—
- (a) shall specify the purpose for which it is granted and the name of any person who is authorised by the permit to have the pistol in his possession; and
  - (b) shall be granted subject to such conditions as the chief officer of police thinks necessary to secure that such possession will not endanger the public safety or the peace;
- and any conditions may include a time by which the pistol must be taken or returned to the licensed premises specified in the applicant's firearm certificate.
- (5) It is an offence—
- (a) for a person to fail to comply with any condition contained in a permit under this section which authorises him to have a small-calibre pistol in his possession; or
  - (b) for a person knowingly or recklessly to make any statement which is false in a material particular for the purpose of procuring (whether for himself or another) the grant of a permit under this section.
- (6) In proceedings against any person for an offence under subsection (5)(a) above, it shall be a defence for him to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.
- (7) An offence under subsection (5) above shall be punishable on summary conviction with imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the standard scale or both.
- (8) Where any person authorised by a permit under this section to be in possession of a small-calibre pistol outside the licensed premises of a licensed pistol club has the pistol in his possession outside those premises for a purpose authorised by the permit—
- (a) he shall not be guilty of an offence under section 19A of the 1968 Act; and
  - (b) his possession of the pistol outside those premises shall not without more be regarded as a failure to comply with the conditions to which any firearm certificate relating to the pistol is subject.
- (9) The Secretary of State may by order designate such target shooting competitions as he thinks fit for the purposes of this section.
- (10) This section applies to a person holding a visitor's firearm permit relating to a small-calibre pistol as it applies to a person holding a firearm certificate, except that any application for a permit under this section by the holder of a visitor's firearm permit shall be made to the chief officer of police who granted the visitor's firearm permit.

#### **14 Transitional arrangements for certain small-calibre pistols.**

Schedule 1 (which enables a small-calibre pistol to be delivered to a police station and held in police custody for a limited period after section 11 above comes into force) shall have effect.



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### *Surrender of firearms, etc. and compensation*

#### **15 Surrender of prohibited small firearms and ammunition.**

- (1) The Secretary of State may make such arrangements as he thinks fit to secure the orderly surrender at designated police stations of firearms or ammunition the possession of which will become or has become unlawful by virtue of section 1 or 9 above.
- (2) The chief officer of police for any area may designate any police station in his area as being suitable for the receipt of surrendered firearms or ammunition or surrendered firearms or ammunition of any description.

#### **16 Payments in respect of prohibited small firearms and ammunition.**

- (1) The Secretary of State shall, in accordance with a scheme made by him, make payments in respect of firearms and ammunition surrendered at designated police stations in accordance with the arrangements made by him under section 15 above.
- (2) A scheme under subsection (1) above shall provide only for the making of payments to persons making claims for such payments in respect of firearms or ammunition—
  - (a) which they had, and were entitled to have in their possession on or immediately before 16th October 1996 by virtue of firearm certificates held by them or by virtue of their being registered firearms dealers; or
  - (b) which on or before that date they had contracted to acquire and were entitled to have in their possession after that date by virtue of such certificates held by them or by virtue of their being registered firearms dealers,and their possession of which will become, or has become, unlawful by virtue of section 1(2) or 9 above.
- (3) A scheme under subsection (1) above may—
  - (a) restrict eligibility for receipt of payments to claims made in respect of firearms or ammunition surrendered within a period specified in the scheme;
  - (b) provide for the procedure to be followed (including any time within which claims must be made and the provision of information) in respect of claims under the scheme and for the determination of such claims;
  - (c) make different provision for different descriptions of firearm or ammunition or for different descriptions of claimant.

#### **Commencement Information**

- I4** [S. 16](#) wholly in force at 1.7.1997; [s. 16](#) not in force at Royal Assent see [s. 53\(3\)\(4\)](#); [s. 16](#) in force for certain purposes at 17.3.1997 by [S.I. 1997/1076](#), [art. 2](#) and in force at 1.7.1997 insofar as not already in force by [S.I. 1997/1535](#), [art. 3\(b\)](#), [Sch. Pt. I](#)

#### **17 Payments in respect of ancillary equipment.**

- (1) The Secretary of State shall, in accordance with any scheme which may be made by him, make payments in respect of ancillary equipment of any description specified in the scheme.

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- (2) For the purposes of subsection (1) above “ancillary equipment” means equipment, other than prohibited ammunition, which—
  - (a) is designed or adapted for use in connection with firearms prohibited by virtue of section 1(2) above; and
  - (b) has no practicable use in connection with any firearm which is not a prohibited weapon.
- (3) A scheme under subsection (1) above shall provide only for the making of payments to persons making claims for such payments in respect of ancillary equipment—
  - (a) which they had in their possession on 16th October 1996; or
  - (b) which they had in their possession after that date, having purchased it by virtue of a contract entered into before that date.
- (4) No payment shall be made under a scheme under subsection (1) above in relation to any ammunition unless its possession or, as the case may be, purchase by any person claiming a payment in respect of it was, at all material times, lawful by virtue of a firearm certificate held by him or by virtue of his being a registered firearms dealer.
- (5) A scheme under subsection (1) above may require, as a condition of eligibility for receipt of payments under the scheme in respect of any equipment—
  - (a) the surrender (whether to the police or any other person) of that equipment in accordance with the scheme within a period specified by the scheme; or
  - (b) the disposal of that equipment by way of sale within a period so specified; or
  - (c) either such surrender or such disposal of the equipment within a period so specified.
- (6) A scheme under subsection (1) above may—
  - (a) provide for the procedure to be followed (including any time within which claims must be made and the provision of information) in respect of claims under the scheme and for the determination of such claims;
  - (b) make different provision for different descriptions of equipment or for different descriptions of claimant.

#### **Commencement Information**

**I5** S. 17 wholly in force at 1.7.1997; s. 17 not in force at Royal Assent see s. 53(3)(4); s. 17 in force for certain purposes at 17.3.1997 by S.I. 1997/1076, art. 2 and in force at 1.7.1997 insofar as not already in force by S.I. 1997/1535, art. 3(b), Sch. Pt. I

## **18 Parliamentary control of compensation schemes.**

- (1) Before making a compensation scheme the Secretary of State shall lay a draft of it before Parliament.
- (2) The Secretary of State shall not make the scheme unless the draft has been approved by resolution of each House.
- (3) This section applies to any alteration to the scheme as it applies to a compensation scheme.
- (4) In this section “compensation scheme” means a scheme under section 16 or 17 above.

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**Commencement Information**

**I6** S. 18 wholly in force at 1.7.1997; s. 18 not in force at Royal Assent see s. 53(3)(4); s. 18 in force for certain purposes at 17.3.1997 by S.I. 1997/1076, art. 2 and in force at 1.7.1997 insofar as not already in force by S.I. 1997/1535, art. 3(b), Sch. Pt. I

VALID FROM 17/12/1997

**PART II**

LICENSED PISTOL CLUBS

*Preliminary*

**F1**<sup>19</sup> .....

**Textual Amendments**

**F1** S. 19 repealed (17.12.1997) by 1997 c. 64, s. 2(7), Sch.; S.I. 1997/3114, art. 3, Sch. Pt. I

**F2**<sup>20</sup> .....

**Textual Amendments**

**F2** S. 20 repealed (17.12.1997) by 1997 c. 64, s. 2(7), Sch.; S.I. 1997/3114, art. 3, Sch. Pt. I

*Grant, variation, and revocation of licences*

**F3**<sup>21</sup> .....

**Textual Amendments**

**F3** S. 21 repealed (17.12.1997) by 1997 c. 64, s. 2(7), Sch.; S.I. 1997/3114, art. 3, Sch. Pt. I

**F4**<sup>22</sup> .....

**Textual Amendments**

**F4** S. 22 repealed (17.12.1997) by 1997 c. 64, s. 2(7), Sch.; S.I. 1997/3114, art. 3, Sch. Pt. I

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**F5**23 .....

**Textual Amendments**

**F5** S. 23 repealed (17.12.1997) by 1997 c. 64, s. 2(7), Sch.; S.I. 1997/3114, art. 3, Sch. Pt. I

**F6**24 .....

**Textual Amendments**

**F6** S. 24 repealed (17.12.1997) by 1997 c. 64, s. 2(7), Sch.; S.I. 1997/3114, art. 3, Sch. Pt. I

**F7**25 .....

**Textual Amendments**

**F7** S. 25 repealed (17.12.1997) by 1997 c. 64, s. 2(7), Sch.; S.I. 1997/3114, art. 3, Sch. Pt. I

**F8**26 .....

**Textual Amendments**

**F8** S. 26 repealed (17.12.1997) by 1997 c. 64, s. 2(7), Sch.; S.I. 1997/3114, art. 3, Sch. Pt. I

**F9**27 .....

**Textual Amendments**

**F9** S. 27 repealed (17.12.1997) by 1997 c. 64, s. 2(7), Sch.; S.I. 1997/3114, art. 3, Sch. Pt. I

*Pistol registers*

**F10**28 .....

**Textual Amendments**

**F10** S. 28 repealed (17.12.1997) by 1997 c. 64, s. 2(7), Sch.; S.I. 1997/3114, art. 3, Sch. Pt. I

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### Supplementary

**F11** **29** .....

#### Textual Amendments

**F11** S. 29 repealed (17.12.1997) by 1997 c. 64, s. 2(7), Sch.; S.I. 1997/3114, art. 3, Sch. Pt. I

**F12** **30** .....

#### Textual Amendments

**F12** S. 13 repealed (17.12.1997) by 1997 c. 64, s. 2(7), Sch.; S.I. 1997/3114, art. 3, Sch. Pt. I

**F13** **31** .....

#### Textual Amendments

**F13** S. 31 repealed (17.12.1997) by 1997 c. 64, s. 2(7), Sch.; S.I. 1997/3114, art. 3, Sch. Pt. I

## PART III

### REGULATION OF FIREARMS AND AMMUNITION

#### *Transfers and other events relating to firearms and ammunition*

### **32 Transfers of firearms etc. to be in person.**

(1) This section applies where, in Great Britain—

- (a) a firearm or ammunition to which section 1 of the 1968 Act applies is sold, let on hire, lent or given by any person, or
- (b) a shot gun is sold, let on hire or given, or lent for a period of more than 72 hours by any person,

to another person who is neither a registered firearms dealer nor a person who is entitled to purchase or acquire the firearm or ammunition without holding a firearm or shot gun certificate or a visitor's firearm or shot gun permit.

(2) Where a transfer to which this section applies takes place—

- (a) the transferee must produce to the transferor the certificate or permit entitling him to purchase or acquire the firearm or ammunition being transferred;
- (b) the transferor must comply with any instructions contained in the certificate or permit produced by the transferee;
- (c) the transferor must hand the firearm or ammunition to the transferee, and the transferee must receive it, in person.

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- (3) A failure by the transferor or transferee to comply with subsection (2) above shall be an offence.

### **33 Notification of transfers involving firearms.**

- (1) This section applies where in Great Britain—
- (a) any firearm to which section 1 of the 1968 Act applies is sold, let on hire, lent or given;
  - (b) any shot gun is sold, let on hire or given, or lent for a period of more than 72 hours.
- (2) Any party to a transfer to which this section applies who is the holder of a firearm or shot gun certificate or, as the case may be, a visitor's firearm or shot gun permit which relates to the firearm in question shall within seven days of the transfer give notice to the chief officer of police who granted his certificate or permit.
- (3) A notice required by subsection (2) above shall—
- (a) contain a description of the firearm in question (giving its identification number if any); and
  - (b) state the nature of the transaction and the name and address of the other party; and any such notice shall be sent by registered post or the recorded delivery service.
- (4) A failure by a party to a transaction to which this section applies to give the notice required by this section shall be an offence.

### **34 Notification of de-activation, destruction or loss of firearms etc.**

- (1) Where, in Great Britain—
- (a) a firearm to which a firearm or shot gun certificate relates; or
  - (b) a firearm to which a visitor's firearm or shot gun permit relates,
- is de-activated, destroyed or lost (whether by theft or otherwise), the certificate holder who was last in possession of the firearm before that event shall within seven days of that event give notice of it to the chief officer of police who granted the certificate or permit.
- (2) Where, in Great Britain, any ammunition to which section 1 of the 1968 Act applies, and a firearm certificate or a visitor's firearm permit relates, is lost (whether by theft or otherwise), the certificate or permit holder who was last in possession of the ammunition before that event shall within seven days of the loss give notice of it to the chief officer of police who granted the certificate or permit.
- (3) A notice required by this section shall—
- (a) describe the firearm or ammunition in question (giving the identification number of the firearm if any);
  - (b) state the nature of the event;
- and any such notice shall be sent by registered post or the recorded delivery service.
- (4) A failure, without reasonable excuse, to give a notice required by this section shall be an offence.

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- (5) For the purposes of this section and section 35 below a firearm is de-activated if it would, by virtue of section 8 of the 1988 Act be presumed to be rendered incapable of discharging any shot, bullet or other missile.

### **35 Notification of events taking place outside Great Britain involving firearms etc.**

- (1) Where, outside Great Britain, any firearm or shot gun is sold or otherwise disposed of by a transferor whose acquisition or purchase of the firearm or shot gun was authorised by a firearm certificate or shot gun certificate, the transferor shall within 14 days of the disposal give notice of it to the chief officer of police who granted his certificate.
- (2) A failure to give a notice required by subsection (1) above shall be an offence.
- (3) Where, outside Great Britain—
- (a) a firearm to which a firearm or shot gun certificate relates is de-activated, destroyed or lost (whether by theft or otherwise); or
  - (b) any ammunition to which section 1 of the 1968 Act applies, and a firearm certificate relates, is lost (whether by theft or otherwise),
- the certificate holder who was last in possession of the firearm or ammunition before that event shall within 14 days of the event give notice of it to the chief officer of police who granted the certificate.
- (4) A failure, without reasonable excuse, to give a notice required by subsection (3) above shall be an offence.
- (5) A notice required by this section shall—
- (a) contain a description of the firearm or ammunition in question (including any identification number); and
  - (b) state the nature of the event and, in the case of a disposal, the name and address of the other party.
- (6) A notice required by this section shall be sent within 14 days of the disposal or other event—
- (a) if it is sent from a place in the United Kingdom, by registered post or by the recorded delivery service; and
  - (b) in any other case, in such manner as most closely corresponds to the use of registered post or the recorded delivery service.

### **36 Penalty for offences under ss. 32 to 35.**

An offence under section 32, 33, 34 or 35 above shall—

- (a) if committed in relation to a transfer or other event involving a firearm or ammunition to which section 1 of the 1968 Act applies be punishable—
  - (i) on summary conviction with imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both;
  - (ii) on conviction on indictment with imprisonment for a term not exceeding five years or a fine or both;
- (b) if committed in relation to a transfer or other event involving a shot gun be punishable on summary conviction with imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the standard scale or both.

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### *Firearm and shot gun certificates*

#### **37 Applications for certificates and referees.**

For section 26 of the 1968 Act there shall be substituted the following sections—

##### **“26A Applications for firearm certificates.**

- (1) An application for the grant of a firearm certificate shall be made in the prescribed form to the chief officer of police for the area in which the applicant resides and shall state such particulars as may be required by the form.
- (2) Rules made by the Secretary of State under section 53 of this Act may require any application for a firearm certificate to be accompanied by up to four photographs of the applicant and by the names and addresses of two persons who have agreed to act as referees.
- (3) The rules may require that, before considering an application for a firearm certificate, the chief officer of police has the following from each referee nominated by the applicant—
  - (a) verification in the prescribed manner of—
    - (i) any prescribed particulars; and
    - (ii) the likeness to the applicant of the photographs submitted with the application;
  - (b) a statement in the prescribed form to the effect that he knows of no reason why the applicant should not be permitted to possess a firearm; and
  - (c) such other statements or information in connection with the application or the applicant as may be prescribed.

##### **26B Applications for shot gun certificates.**

- (1) An application for the grant of a shot gun certificate shall be made in the prescribed form to the chief officer of police for the area in which the applicant resides and shall state such particulars as may be required by the form.
- (2) Rules made by the Secretary of State under section 53 of this Act may—
  - (a) require any application for a certificate to be accompanied by up to four photographs of the applicant;
  - (b) require the verification in the prescribed manner of any prescribed particulars and of the likeness of those photographs to the applicant;
  - (c) require any application for a certificate to be accompanied by a statement by the person verifying the matters mentioned in paragraph (b) above to the effect that he knows of no reason why the applicant should not be permitted to possess a shot gun.”

#### **38 Grant of firearm certificates.**

For subsection (1) of section 27 of the 1968 Act (special provisions about the grant of firearms certificates) there shall be substituted the following subsection—



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“(1) A firearm certificate shall be granted where the chief officer of police is satisfied—

- (a) that the applicant is fit to be entrusted with a firearm to which section 1 of this Act applies and is not a person prohibited by this Act from possessing such a firearm;
- (b) that he has a good reason for having in his possession, or for purchasing or acquiring, the firearm or ammunition in respect of which the application is made; and
- (c) that in all the circumstances the applicant can be permitted to have the firearm or ammunition in his possession without danger to the public safety or to the peace.”

### **39 Register of holders of shot gun and firearm certificates.**

- (1) There shall be established a central register of all persons who have applied for a firearm or shot gun certificate or to whom a firearm or shot gun certificate has been granted or whose certificate has been renewed.
- (2) The register shall—
  - (a) record a suitable identifying number for each person to whom a certificate is issued; and
  - (b) be kept by means of a computer which provides access on-line to all police forces.

### **40 Revocation of certificates.**

For section 30 (revocation of certificates) of the <sup>M3</sup>Firearms Act 1968 there shall be substituted the following sections—

#### **“30A Revocation of firearm certificates.**

- (1) A firearm certificate may be revoked by the chief officer of police for the area in which the holder resides on any of the grounds mentioned in subsections (2) to (5) below.
- (2) The certificate may be revoked if the chief officer of police has reason to believe—
  - (a) that the holder is of intemperate habits or unsound mind or is otherwise unfitted to be entrusted with a firearm; or
  - (b) that the holder can no longer be permitted to have the firearm or ammunition to which the certificate relates in his possession without danger to the public safety or to the peace.
- (3) The certificate may be revoked if the chief officer of police is satisfied that the holder is prohibited by this Act from possessing a firearm to which section 1 of this Act applies.
- (4) The certificate may be revoked if the chief officer of police is satisfied that the holder no longer has a good reason for having in his possession, or for purchasing or acquiring, the firearm or ammunition which he is authorised by virtue of the certificate to have in his possession or to purchase or acquire.

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- (5) A firearm certificate may be revoked if the holder fails to comply with a notice under section 29(1) of this Act requiring him to deliver up the certificate.
- (6) A person aggrieved by the revocation of a certificate under subsection (2), (3) or (4) of this section may in accordance with section 44 of this Act appeal against the revocation.

### **30B Partial revocation of firearm certificates.**

- (1) The chief officer of police for the area in which the holder of a firearm certificate resides may partially revoke the certificate, that is to say, he may revoke the certificate in relation to any firearm or ammunition which the holder is authorised by virtue of the certificate to have in his possession or to purchase or acquire.
- (2) A firearm certificate may be partially revoked only if the chief officer of police is satisfied that the holder no longer has a good reason for having in his possession, or for purchasing or acquiring, the firearm or ammunition to which the partial revocation relates.
- (3) A person aggrieved by the partial revocation of a certificate may in accordance with section 44 of this Act appeal against the partial revocation.

### **30C Revocation of shot gun certificates.**

- (1) A shot gun certificate may be revoked by the chief officer of police for the area in which the holder resides if he is satisfied that the holder is prohibited by this Act from possessing a shot gun or cannot be permitted to possess a shot gun without danger to the public safety or to the peace.
- (2) A person aggrieved by the revocation of a shot gun certificate may in accordance with section 44 of this Act appeal against the revocation.

### **30D Revocation of certificates: supplementary.**

- (1) Where a certificate is revoked under section 30A or 30C of this Act the chief officer of police shall by notice in writing require the holder to surrender the certificate.
- (2) Where a certificate is partially revoked under section 30B of this Act the chief officer of police shall by notice in writing require the holder to deliver up the certificate for the purpose of amending it.
- (3) It is an offence for the holder of a certificate to fail to comply with a notice under subsection (1) or (2) above within twenty-one days from the date of the notice.
- (4) If an appeal is brought against a revocation or partial revocation—
  - (a) this section shall not apply to that revocation or partial revocation unless the appeal is abandoned or dismissed; and
  - (b) it shall then apply with the substitution, for the reference to the date of the notice, of a reference to the date on which the appeal was abandoned or dismissed.
- (5) This section shall not apply in relation to—

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- (a) the revocation of a firearm certificate on any ground mentioned in section 30A(2), (3) or (4) of this Act;
  - (b) the revocation of a shot gun certificate,
- if the chief officer of police serves a notice on the holder under section 12 of the <sup>M4</sup>Firearms Act 1988 requiring him to surrender forthwith his certificate and any firearms and ammunition in his possession by virtue of the certificate.”

#### Marginal Citations

**M3** 1968 c. 27.

**M4** 1988 c. 45.

## 41 Appeals.

- (1) For section 44 of the 1968 Act (appeals against police decisions) there shall be substituted the following section—

### “44 Appeals against police decisions.

- (1) An appeal against a decision of a chief officer of police under section 28A, 29, 30A, 30B, 30C, 34, 36, 37 or 38 of this Act lies—
- (a) in England and Wales, to the Crown Court; and
  - (b) in Scotland, to the sheriff.
- (2) An appeal shall be determined on the merits (and not by way of review).
- (3) The court or sheriff hearing an appeal may consider any evidence or other matter, whether or not it was available when the decision of the chief officer was taken.
- (4) In relation to an appeal specified in the first column of Part I of Schedule 5 to this Act, the third column shows the sheriff having jurisdiction to entertain the appeal.
- (5) In Schedule 5 to this Act—
- (a) Part II shall have effect in relation to appeals to the Crown Court; and
  - (b) Part III shall have effect in relation to appeals to the sheriff.”
- (2) In Schedule 5 to the 1968 Act (provisions as to appeals), after Part II there shall be inserted—

## “PART III

### APPEALS IN SCOTLAND

- 1 An appeal to the sheriff shall be by way of summary application.

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- 2 An application shall be made within 21 days after the date on which the appellant has received notice of the decision of the chief officer of police in respect of which the appeal is made.
- 3 On the hearing of the appeal the sheriff may either dismiss the appeal or give the chief officer of police such directions as he thinks fit as respects the certificate or register which is the subject of the appeal.
- 4 The decision of the sheriff on an appeal may be appealed only on a point of law.”

**Modifications etc. (not altering text)**

**C3** S. 41 excluded (10.6.1997) by S.I. 1997/1535, arts. 3(b), 6, Sch.

*Registered firearms dealers*

**42 Authorised dealing with firearms by registered firearms dealers.**

- (1) In section 8 of the 1968 Act (authorised dealing with firearms), after subsection (1) there shall be inserted the following subsection—

“(1A) Subsection (1) above applies to the possession, purchase or acquisition of a firearm or ammunition in the ordinary course of the business of a firearms dealer notwithstanding that the firearm or ammunition is in the possession of, or purchased or acquired by, the dealer or his servant at a place which is not a place of business of the dealer or which he has not registered as a place of business under section 33 or 37 of this Act.”

- (2) In section 33(3) of the 1968 Act (applications for registration as firearms dealer)—
- (a) for the words from the beginning to “applicant” there shall be substituted the words “ An applicant for registration as a firearms dealer ”;
  - (b) after the word “shall”, in the second place it appears, there shall be inserted the words “ (if he registers the applicant as a firearms dealer) ”.

*Miscellaneous*

**43 Power of search with warrant.**

- (1) For section 46 of the 1968 Act (power of search with warrant), there shall be substituted the following section—

**“46 Power of search with warrant.**

- (1) If a justice of the peace or, in Scotland, the sheriff, is satisfied by information on oath that there is reasonable ground for suspecting—

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- (a) that an offence relevant for the purposes of this section has been, is being, or is about to be committed; or
  - (b) that, in connection with a firearm or ammunition, there is a danger to the public safety or to the peace,
- he may grant a warrant for any of the purposes mentioned in subsection (2) below.
- (2) A warrant under this section may authorise a constable or civilian officer—
- (a) to enter at any time any premises or place named in the warrant, if necessary by force, and to search the premises or place and every person found there;
  - (b) to seize and detain anything which he may find on the premises or place, or on any such person, in respect of which or in connection with which he has reasonable ground for suspecting—
    - (i) that an offence relevant for the purposes of this section has been, is being or is about to be committed; or
    - (ii) that in connection with a firearm, imitation firearm or ammunition there is a danger to the public safety or to the peace.
- (3) The power of a constable or civilian officer under subsection (2)(b) above to seize and detain anything found on any premises or place shall include power to require any information which is kept by means of a computer and is accessible from the premises or place to be produced in a form in which it is visible and legible and can be taken away.
- (4) The offences relevant for the purposes of this section are all offences under this Act except an offence under section 22(3) or an offence relating specifically to air weapons.
- (5) It is an offence for any person intentionally to obstruct a constable or civilian officer in the exercise of his powers under this section.”
- (2) In section 57(4) of the 1968 Act (interpretation) after the definition of “certificate” there shall be inserted the following definition—
- ““civilian officer” means—
- (a) a person employed by a police authority or the Corporation of the City of London who is under the direction and control of a chief officer of police; or
  - (b) a person employed under the Commissioner of Police for the Metropolis or the Receiver of the Metropolitan Police District who is not a constable and whose salary is paid out of the Metropolitan Police Fund.”
- (3) In Part I of Schedule 6 to the 1968 Act (prosecution and punishment of offences), after the entry for section 42A there shall be inserted the following entry—

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“Section 46.	Obstructing constable or civilian officer in exercise of search powers.	Summary.	6 months or a fine of level 5 on the standard scale; or both.”
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#### **44 Firearm certificates for certain firearms used for target shooting: special conditions.**

- (1) If a chief officer of police is satisfied, on an application for the grant or renewal of a firearm certificate in relation to any rifle or muzzle-loading pistol which is not a prohibited weapon, that the applicant's only reason for having it in his possession is to use it for target shooting, any certificate which may be granted to the applicant or, as the case may be, renewed shall be held subject to the following conditions (in addition to any other conditions), namely—
  - (a) the rifle or pistol is only to be used for target shooting; and
  - (b) the holder must be a member of an approved rifle club or, as the case may be, muzzle-loading pistol club specified in the certificate.
- (2) In this section, “muzzle loading pistol” means a pistol designed to be loaded at the muzzle end of the barrel or chamber with a loose charge and a separate ball (or other missile).

#### **45 Approved rifle clubs and muzzle-loading pistol clubs.**

- (1) For section 15 of the 1988 Act (rifle and pistol clubs) there shall be substituted the following section—

##### **“15 Approved rifle clubs and muzzle-loading pistol clubs.**

- (1) Subject to subsection (4) below, a member of a rifle club approved by the Secretary of State may, without holding a firearm certificate, have in his possession a rifle and ammunition when engaged as a member of the club in connection with target shooting.
- (2) Any rifle club may apply for approval, whether or not it is intended that any club members will, by virtue of subsection (1) above, have rifles or ammunition in their possession without holding firearm certificates.
- (3) The Secretary of State may publish such guidance as he considers appropriate for the purpose of informing those seeking approval for a club of criteria that must be met before any application for such approval will be considered.
- (4) The application of subsection (1) above to members of an approved rifle club may—
  - (a) be excluded in relation to the club, or
  - (b) be restricted to target shooting with specified types of rifle,
 by limitations contained in the approval.
- (5) An approval—
  - (a) may be granted subject to such conditions specified in it as the Secretary of State thinks fit;
  - (b) may at any time be varied or withdrawn by the Secretary of State; and
  - (c) shall (unless withdrawn) continue in force for six years from the date on which it is granted or last renewed.
- (6) There shall be payable on the grant or renewal of an approval a fee of £84 but this subsection shall be included in the provisions which may be amended by an order under section 43 of the principal Act.

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- (7) A constable or civilian officer authorised in writing in that behalf may, on producing if required his authority, enter any premises occupied or used by an approved rifle club and inspect those premises, and anything on them, for the purpose of ascertaining whether the provisions of this section, and any limitations or conditions in the approval, are being complied with.
- (8) The power of a constable or civilian officer under subsection (7) above to inspect anything on club premises shall include power to require any information which is kept by means of a computer and is accessible from the premises to be made available for inspection in a visible and legible form.
- (9) It is an offence for a person intentionally to obstruct a constable or civilian officer in the exercise of his powers under subsection (7) above; and that offence shall be punishable on summary conviction with a fine not exceeding level 3 on the standard scale.
- (10) In this section and section 15A below—  
“approval”, means an approval under this section; and “approved” shall be construed accordingly;  
“civilian officer” has the same meaning as in the principal Act; and  
“rifle club” includes a miniature rifle club.
- (11) This section applies in relation to a muzzle-loading pistol club and its members as it applies to a rifle club and its members with the substitution for any reference to a rifle of a reference to a muzzle-loading pistol.
- (12) In subsection (11) above—  
“muzzle-loading pistol club” means a club where muzzle-loading pistols are used for target shooting; and  
“muzzle-loading pistol” means a pistol designed to be loaded at the muzzle end of the barrel or chamber with a loose charge and a separate ball (or other missile).”
- (2) A club may be approved by the Secretary of State under section 15 of the 1988 Act and also licensed under this Act as a pistol club.
- (3) Any approval of a rifle or miniature rifle club or muzzle-loading pistol club under section 15 of the 1988 Act which is in force immediately before the commencement of this section shall have effect as if it were an approval under section 15 of the 1988 Act as substituted by subsection (1) above.

#### **46 Coterminous pistol club licences and rifle club approvals.**

After section 15 of the 1988 Act there shall be inserted the following section—

##### **“15A Coterminous pistol club licences and rifle club approvals.**

- (1) Where an application is made on behalf of a club which is approved under section 15 above for the grant or renewal of a pistol club licence, the officer of the club making the application may also apply for the club’s approval to be withdrawn and replaced by a new approval taking effect on the same day as that on which the licence is granted or renewed.

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- (2) Where an application is made on behalf of a club which has a pistol club licence for the grant or renewal of approval under section 15 above, that approval may, if the club so requests, be granted or renewed for such period less than six years as will secure that it expires at the same time as the licence.
- (3) The fee payable on the grant or renewal of an approval which—
- (a) takes effect, whether by virtue of subsection (1) above or otherwise, at the same time as a pistol club licence granted or renewed in respect of that club, or
  - (b) is granted or renewed by virtue of subsection (2) above for a period less than six years,
- shall be £21 instead of that specified in section 15(6) above.  
This subsection shall be included in the provisions that may be amended by an order under section 43 of the principal Act.
- (4) In this section “pistol club licence” means a licence under section 21 of the Firearms (Amendment) Act 1997.”.

#### **47 Museums eligible for a museums firearm licence.**

In the Schedule to the 1988 Act (firearms and ammunition in museums to which the Schedule applies)—

- (a) the existing provisions of paragraph 5 shall be numbered as sub-paragraph (1) of that paragraph;
- (b) after that sub-paragraph there shall be inserted the following sub-paragraphs—
  - “(2) This Schedule also applies to any museum or similar institution in Great Britain which is of a description specified in an order made for the purposes of this sub-paragraph by the Secretary of State and whose collection includes or is to include firearms.
  - (3) An order under sub-paragraph (2) above may specify any description of museum or similar institution which appears to the Secretary of State to have as its purpose, or one of its purposes, the preservation for the public benefit of a collection of historical, artistic or scientific interest.
  - (4) The power to make an order under sub-paragraph (2) above shall be exercisable by statutory instrument.”.

#### **48 Firearms powered by compressed carbon dioxide.**

Any reference to an air rifle, air pistol or air gun—

- (a) in the Firearms Acts 1968 to 1997; or
- (b) in the <sup>M5</sup>Firearms (Dangerous Air Weapons) Rules 1969 or the <sup>M6</sup>Firearms (Dangerous Air Weapons) (Scotland) Rules 1969,

shall include a reference to a rifle, pistol or gun powered by compressed carbon dioxide.



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#### Marginal Citations

**M5** S.I. 1969/47.

**M6** S.I. 1969/270.

## PART IV

### FINAL PROVISIONS

#### 49 Financial provisions.

- (1) Any expenses incurred by the Secretary of State which are attributable to the provisions of this Act, and any sums required by him for making payments under this Act, shall be paid out of money provided by Parliament.
- (2) Any fees received by the Secretary of State under section 21(6) above shall be paid into the Consolidated Fund.

#### 50 Interpretation and supplementary provisions.

- (1) In this Act—
  - “licence”, “licensed pistol club” and “licensed premises” have the meanings given by section 19 above;
  - “small-calibre pistol” means—
    - (a) a pistol chambered for .22 or smaller rim-fire cartridges; or
    - (b) an air pistol to which section 1 of the 1968 Act applies and which is designed to fire .22 or smaller diameter ammunition;
  - “the 1968 Act” means the <sup>M7</sup>Firearms Act 1968;
  - “the 1988 Act” means the <sup>M8</sup>Firearms (Amendment) Act 1988.
- (2) Any expression used in this Act which is also used in the 1968 Act or the 1988 Act has the same meaning as in that Act.
- (3) Any reference in the 1968 Act to a person who is by virtue of that Act entitled to possess, purchase or acquire any weapon or ammunition without holding a certificate shall include a reference to a person who is so entitled by virtue of any provision of this Act.
- (4) Sections 46, 51(4) and 52 of the 1968 Act (powers of search, time-limit for prosecutions and forfeiture and cancellation orders on conviction) shall apply also to offences under this Act.
- (5) Sections 53 to 56 and section 58 of the 1968 Act (rules, Crown application, service of notices and savings) shall have effect as if this Act were contained in that Act.
- (6) The provisions of this Act shall be treated as contained in the 1968 Act for the purposes of the <sup>M9</sup>Firearms Act 1982 (imitation firearms readily convertible into firearms to which section 1 of the 1968 Act applies).

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#### Marginal Citations

**M7** [1968 c. 27.](#)

**M8** [1988 c. 45.](#)

**M9** [1982 c. 31.](#)

### 51 Power to make transitional, consequential etc. provisions.

- (1) The Secretary of State may by regulations make such transitional and consequential provisions and such savings as he considers necessary or expedient in preparation for, in connection with, or in consequence of—
  - (a) the coming into force of any provision of this Act; or
  - (b) the operation of any enactment repealed or amended by a provision of this Act during any period when the repeal or amendment is not wholly in force.
- (2) Regulations under this section may make modifications of any enactment contained in this or in any other Act.
- (3) The power to make regulations under subsection (2) above shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Subordinate Legislation Made

**P1** [S. 51](#) power partly exercised (18.6.1997): 1.7.1997 appointed day by [S.I. 1997/1538](#)

#### Modifications etc. (not altering text)

**C4** [S. 51](#) extended (17.12.1997) by [1997 c. 64, s. 2\(6\)](#); [S.I. 1997/3114, art. 3, Sch. Pt. I](#)

### 52 Minor and consequential amendments and repeals.

- (1) Schedule 2 (minor and consequential amendments) shall have effect.
- (2) The enactments mentioned in Schedule 3 (which include spent enactments) are repealed to the extent specified in the third column of that Schedule.

#### Commencement Information

**I7** [S. 52](#) partly in force; [s. 52](#) not in force at Royal Assent see [s. 53\(3\)\(4\)](#); [s. 52](#) in force for certain purposes at 1.7.1997 by [S.I. 1997/1535, art. 3\(b\), Sch. Pt. I](#) and for certain further purposes at 1.10.1997 by [S.I. 1997/1535 art. 3\(c\), Sch. Pt. II](#)

PROSPECTIVE

### 53 Short title, commencement and extent.

- (1) This Act may be cited as the Firearms (Amendment) Act 1997.

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**Changes to legislation:** There are currently no known outstanding effects for the Firearms (Amendment) Act 1997. (See end of Document for details)

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- (2) This Act and the Firearms Acts 1968 to 1992 may be cited together as the Firearms Acts 1968 to 1997.
- (3) This Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint; and different days may be appointed for different purposes and different areas.
- (4) An order under subsection (3) above may contain such transitional provision and savings (whether or not involving the modification of any statutory provision) as appear to the Secretary of State to be necessary or expedient in connection with any provisions brought into force.
- (5) This Act does not extend to Northern Ireland.

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#### **Subordinate Legislation Made**

- P2** [S. 53\(3\)\(4\)](#) power partly exercised (15.3.1997); 17.3.1997 appointed for specified provisions by [S.I. 1997/1076](#), [art. 2](#)
- [S. 53\(3\)\(4\)](#) power partly exercised (10.6.1997); different dates appointed for specified provisions by [S.I. 1997/1535](#)

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## SCHEDULES

### SCHEDULE 1

Section 14.

#### TRANSITIONAL ARRANGEMENTS FOR SMALL-CALIBRE PISTOLS

##### *Preliminary*

- 1 This Schedule applies to any person who—
- (a) by virtue of a firearm certificate, has a small-calibre pistol belonging to him in his possession, or has contracted to acquire any such pistol, before the appointed day; and
  - (b) will, after the appointed day, be required to keep that pistol at licensed premises of a licensed club.

##### *Delivery of pistols to police*

- 2
- (1) A person to whom this Schedule applies may, at any time before the appointed day, deliver a small-calibre pistol (“the pistol”) to any designated police station for safe keeping; and if he does so he shall also deliver up the firearm certificate in order that the delivery of the pistol may be recorded therein.
  - (2) Sub-paragraph (1) above applies to a pistol which a person has (before the appointed day) contracted to acquire if it is delivered to any designated police station as soon as reasonably practicable after it comes into his possession.
  - (3) The pistol shall be kept in police custody (whether at the designated police station or otherwise) until it is—
    - (a) released under paragraph 6 or 7 below;
    - (b) surrendered to the police before the end of the transitional period under paragraph 9(2) below;
    - (c) deemed to have been surrendered by virtue of paragraph 8 below.

##### *Free renewal of firearm certificates*

- 3
- (1) The delivery of the pistol into police custody does not affect the validity of any firearm certificate authorising the holder to have it in his possession.
  - (2) If a firearm certificate which authorises any person to have the pistol in his possession expires at a time when the pistol is in police custody, no fee shall be charged for the renewal of the certificate unless the renewed certificate also relates to another firearm, or ammunition for another firearm, which is not at that time in police custody.

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- (3) Where a firearm certificate is renewed by the police free of charge, and the pistol is released to the holder of that certificate under paragraph 6 or 7 below, he shall at that time pay any fee which, apart from this paragraph, he would have been charged on the renewal of his certificate.

*Release of pistols in police custody*

- 4 A small-calibre pistol being kept in police custody shall not be released to any person except on the authority of the chief officer of police for the area in which the designated police station to which it was delivered under paragraph 2 above is situated.
- 5 (1) Any holder of a firearm certificate relating to the pistol, or any other person who may lawfully have the pistol in his possession, may apply in writing for the release of the pistol to the chief officer of police for the area in which the designated police station to which it was delivered under paragraph 2 above is situated.
- (2) An application under sub-paragraph (1) above must be made at least four weeks before the end of the transitional period.
- 6 If the applicant for release is the person who delivered the pistol into police custody, the chief officer of police shall release the pistol if he is satisfied that the person receiving it—
- (a) is authorised to convey the pistol to the licensed premises of a licensed pistol club by a permit under section 13 on behalf of a holder of a firearm certificate held subject to the conditions specified in section 12 and who—
    - (i) is a member of the licensed pistol club specified in the certificate;
    - (ii) has made arrangements for the pistol to be kept at the licensed premises of that club which are so specified,
  - (b) is the holder of a firearm certificate authorising him to have the pistol in his possession, but which is not subject to those conditions;
  - (c) is entitled to have the pistol in his possession without a firearm certificate.
- 7 (1) Where a person other than the person who delivered the pistol into police custody applies for it to be released, the chief officer of police shall release the pistol only if he is satisfied—
- (a) that the person who originally delivered the pistol into that custody has either disposed of any interest in it or certified that he is content for it to be delivered to the applicant; and
  - (b) that the person receiving the pistol is either a registered firearms dealer who has lawfully purchased or acquired the pistol and intends to have it in his possession in the ordinary course of his business or a person falling within paragraph 6(a), (b) or (c) above.
- (2) Where an application is made as mentioned in sub-paragraph (1) above, the chief officer of police may require such written statements from the person who delivered

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the pistol into police custody and from the person applying for the release of the pistol as he considers necessary for the purpose of determining the application.

- (3) It is an offence for any person knowingly or recklessly to make a statement which is false in any material particular for the purpose of procuring, whether for himself or for another person, the release of a pistol from police custody.
- (4) An offence under sub-paragraph (3) above shall be punishable on summary conviction with imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the standard scale or both.

#### *Period of safe-keeping by police*

- 8 (1) If the pistol is not released before the end of the transitional period it shall be treated as if it had been surrendered to the police immediately after the end of that period.
- (2) If an application for release of the pistol is made at least four weeks before the end of that period—
  - (a) the pistol shall not be deemed to have been surrendered under this paragraph while the application is being determined; and
  - (b) if the pistol is not released, it shall be deemed to have been so surrendered when the application is finally determined.
- (3) Where a person is deemed to have surrendered the pistol under this paragraph, his firearm certificate shall be deemed to have expired so far as it relates to that pistol.

#### *Voluntary surrender of pistols*

- 9 (1) A person to whom this Schedule applies may before the appointed day, surrender a small-calibre pistol belonging to him at any designated police station instead of keeping it at licensed premises of a licensed pistol club or delivering it into police custody.
  - (2) Where a small-calibre pistol has been delivered into police custody, the person who delivered it may (if it still belongs to him) surrender the pistol by giving notice that he is surrendering it to the chief officer of police for the area in which the designated police station to which he delivered it is situated.
- 10 The Secretary of State may make such payments, to such persons, as he may consider appropriate in respect of small-calibre pistols which are surrendered, or are treated as having been surrendered, by virtue of paragraph 8 or 9 above.

#### *Supplementary*

- 11 The chief officer of police shall not be obliged to make pistols delivered to him under paragraph 2 above available for inspection either by the certificate holder or by any other person.

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- 12 (1) In this Schedule—
- “designated police station” means a police station designated by any chief officer of police for the purposes of this Schedule;
  - “police custody” means police custody under paragraph 2;
  - “the appointed day” means the day on which section 11 comes into force;
  - “the transitional period” means the period of one year beginning with the appointed day.
- (2) The Secretary of State may by order amend the definition of the transitional period so as to substitute, for any period for the time being specified in that definition, such other period as may be specified by the order.  
An order under this sub-paragraph may make different provisions for different purposes and different areas.
- (3) The power to make an order under sub-paragraph (2) above shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

## SCHEDULE 2

Section 52.

### CONSEQUENTIAL AND MINOR AMENDMENTS

#### *Firearms Act 1968 (c.27)*

- 1 The Firearms Act 1968 shall be amended as follows.
- 2 (1) In section 3(5) (false statements with a view to purchasing or acquiring firearm etc.), for the words “makes any false statement” there shall be substituted the words “knowingly or recklessly makes a statement false in any material particular”.
- (2) In section 7(2), 9(3), 13(2) and 29(3) (all of which concern false statements), for the words “to make any statement which he knows to be false” there shall be substituted the words “knowingly or recklessly to make a statement false in any material particular”.
- (3) In section 39(1) (offences in connection with registration of dealers), for the words “makes any statement which he knows to be false” there shall be substituted the words “knowingly or recklessly makes a statement false in any material particular”.
- 3 In section 11(3), 23(2) and 54(5) (all of which refer to use of firearms or ammunition for target practice), for the words “target practice”, in each place where they occur, there shall be substituted the words “target shooting”.
- 4 (1) After section 28 there shall be inserted the following section—
- “28A Certificates: supplementary.**
- (1) A certificate shall, unless previously revoked or cancelled, continue in force for five years from the date when it was granted or last renewed, but shall be renewable for a further period of five years by the chief officer of police for the area in which the holder resides.

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- (2) The provisions of this Act apply to the renewal of a certificate as they apply to a grant; but, subject to the power of renewal conferred by this subsection, a certificate granted or last renewed in Northern Ireland shall not continue in force for a period longer than that for which it was so granted or last renewed.
  - (3) The Secretary of State may by order amend subsection (1) above so as to substitute for any reference to a period for the time being specified in that subsection a reference to such other period as may be specified in the order.
  - (4) An order made under subsection (3) above shall apply only to certificates granted or renewed after the date on which the order comes into force.
  - (5) The power to make orders under subsection (3) above shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
  - (6) A person aggrieved by the refusal of a chief officer of police to grant or to renew a certificate under this Act may in accordance with section 44 of this Act appeal against the refusal.
  - (7) It is an offence for a person knowingly or recklessly to make any statement which is false in any material particular for the purpose of procuring (whether for himself or another) the grant or renewal of a certificate under this Act.”
- (2) In Part I of Schedule 6 (prosecution and punishment of offences), in the entry relating to section 26(5) (making of false statement in order to procure grant or renewal of certificate) for the words “Section 26(5)” there shall be substituted the words “Section 28A(7)”.
- 5 In section 32 (exemption from fee for certificate in certain cases) for subsection (2) there shall be substituted the following subsections—
- “(2) No fee shall be payable on the grant to a responsible officer of a rifle club, miniature rifle club or muzzle-loading pistol club which is approved under section 15 of the Firearms (Amendment) Act 1988 of a firearm certificate in respect of rifles, miniature rifles or muzzle-loading pistols, or ammunition, to be used solely for target shooting by the members of the club, or on the variation or renewal of a certificate so granted.
- (2A) Subsection (2) above—
- (a) does not apply if the operation of subsection (1) of section 15 of the Firearms (Amendment) Act 1988 is excluded in relation to the club by a limitation in the approval; or
  - (b) if the operation of subsection (1) of that section in relation to the club is limited by the approval to target shooting with specified types of rifles, miniature rifles or muzzle-loading pistols, only applies to a certificate in respect of rifles, miniature rifles or pistols of those types.
- (2B) No fee shall be payable on the grant to a person acting in his capacity as the responsible officer of a licensed pistol club of a firearm certificate in respect of small-calibre pistols or ammunition to be used solely for target shooting by members of the club, or on the variation or renewal of a certificate so granted.”.



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- 6 In section 32A(4)(b) and 32C(7), for the words “section 4(2) of the Firearms (Amendment) Act 1988 (formalities on transfer of shot guns)” there shall be substituted the words “ section 32(2)(b) of the Firearms (Amendment) Act 1997 (requirements relating to transfers of firearms) ”.
- 7 In section 38(8) (surrender of register of transactions by dealer) after the words “this Act” there shall be inserted “ (or, if the register is kept by means of a computer, a copy of the information comprised in that register in a visible and legible form) ”.
- 8 In section 40 (compulsory register of transactions)—
- (a) in subsection (4)—
- (i) after the word “constable” (in both places it appears) there shall be inserted the words “ or a civilian officer ”;
- (ii) after the words “the register” there shall be inserted the words “ (or if the register is kept by means of a computer, a copy of the information comprised in that register in a visible and legible form); ”; and
- (b) after that subsection there shall be inserted the following subsection—
- “(4A) Every person keeping a register in accordance with this section by means of a computer shall secure that the information comprised in the register can readily be produced in a form in which it is visible and legible and can be taken away.”.

PROSPECTIVE

- 9 In section 50 (special powers of arrest) for subsection (2) there shall be substituted the following—
- “(2) A constable may arrest without warrant any person whom he has reasonable cause to suspect to be committing an offence under section 4, 5, 18, 19, 19A, 20, 21 or 47(2) of this Act and, for the purpose of exercising the power conferred by this subsection, may enter any place.”.
- 10 In section 54(1) (application of Parts I and II to the Crown) for the words “26 to 32” there shall be substituted the words “ 26A to 32 ”.
- 11 In section 54(2)(b), for the words “section 26” there shall be substituted the words “ section 26A ”.
- 12 In Schedule 5 (provisions as to appeals under section 44), in column 1 of Part I, in paragraph 1, for the words “26(4), 29(2) or 30(3)” there shall be substituted the words “ 28A(6), 29(2), 30A(6), 30B(3) or 30C(2) ”.
- 13 In Part I of Schedule 6 (prosecution and punishment of offences) to the 1968 Act, for the entry relating to section 1(2) (non-compliance with condition of firearm certificate) there shall be substituted the following entry—

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“Section 1(2). Non-compliance with condition of firearm certificate.	(a) Summary	(i) where the offence is committed in an aggravated form within
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- |  |                   |   |
|--|-------------------|---|
|  |                   | <p>the meaning of section 12 of the Firearms (Amendment) Act 1997, 6 months or a fine of the statutory maximum; or both.</p> <p>(ii) in any other case, 6 months or a fine of level 5 on the standard scale; or both.</p> |
|  | (b) On indictment | <p>where the offence is committed in an aggravated form within the meaning of section 12 of the Firearms (Amendment) Act 1997, 7 years or a fine; or both.”</p>   |
- 
- 14 In Part I of Schedule 6 (prosecution and punishment of offences), in the entry relating to section 30(4) (failure to surrender certificate on revocation) for the words “Section 30(4)” there shall be substituted the words “ Section 30D(3) ”.
- Firearms (Amendment) Act 1988 (c.45)*
- 15 The Firearms (Amendment) Act 1988 shall be amended as follows.
- 16 In section 7(1) (conversion not to affect classification), for paragraph (a) there shall be substituted the following paragraph—
- “(a) has at any time (whether before or after the passing of the Firearms (Amendment) Act 1997) been a weapon of a kind described in section 5(1) or (1A) of the principal Act (including any amendments to section 5(1) made under section 1(4) of this Act);”.
- 17 In section 11(1) (co-terminous certificates) for the words “subsection (3), or in an order made under subsection (3A) of section 26” there shall be substituted the words “ subsection (1), or in an order made under subsection (3) of section 28A ”.
- 18 In section 12 (revocation of certificates) in subsection (1), for the words “under section 30(1)(a) or (2)”, there shall be substituted the words “ under section 30A(2), (3) or (4) or 30C ”.

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- 19 In section 17(10) and paragraph 4(1) of the Schedule, for the words “to make any statement which he knows to be false” there shall be substituted the words “knowingly or recklessly to make a statement false in any material particular”.
- 20 In section 22(1)(c) (firearms consultative committee), for the words “the principal Act, the Firearms Act 1982 and this Act” there shall be substituted the words “the Firearms Acts 1968 to 1997”.

## SCHEDULE 3

Section 52.

## REPEALS

**Commencement Information**

- I8** Sch. 3 partly in force; Sch. 3 not in force at Royal Assent see s. 53(3)(4); Sch. 3 in force for certain purposes at 1.7.1997 by S.I. 1997/1535, art. 3(b), Sch. Pt. I and for certain further purposes at 1.10.1997 by S.I. 1997/1535, art. 3(c), Sch. Pt. II

Chapter	Short title	Extent of repeal
1968 c. 27.	Firearms Act 1968.	<p>In section 5(1)(ac) the words “(excluding any detachable, folding, retractable or other moveable butt-stock)”.</p> <p>In section 5A, in subsection (4) the words “which is designed to be used with a pistol” and in subsection (8) the words “is designed to be used with a pistol and”.</p> <p>In section 23(2)(a), the words “in, or”.</p> <p>Section 28(3).</p> <p>Section 42.</p> <p>In section 54(5)(b), the words “in, or”.</p> <p>In Schedule 6, the entry relating to section 42.</p>
1988 c. 45.	Firearms (Amendment) Act 1988.	<p>Section 4.</p> <p>In section 9, the words from the beginning to “and”.</p> <p>Section 10.</p>

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1992. c. 31.

Firearms (Amendment) Act  
1992.

In section 12(5), the words  
from the beginning to  
“subsection (1) above”.

Section 1.

**Status:**

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**Changes to legislation:**

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