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*Status: Point in time view as at 27/02/1997.*

*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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## 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.

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## 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 ”.

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- 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—

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**“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.
  - (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) ”.

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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—

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- (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

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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—

|  |                   |  |
|--|-------------------|--|
| “Section 1(2). Non-compliance with condition of firearm certificate. | (a) Summary       | (i) where the offence is committed in an aggravated form within the meaning of section 12 of the Firearms (Amendment) Act 1997, 6 months or a fine of the statutory maximum; or both.<br>(ii) in any other case, 6 months or a fine of level 5 on the standard scale; or both. |
|  | (b) On indictment | where the offence is committed in an aggravated form within the meaning of section 12 of the Firearms (Amendment) Act 1997,  |

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|    | 7 years or a fine; or both.”   |
| 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) ”.   |
|    | <i>Firearms (Amendment) Act 1988 (c.45)</i>  |
| 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—<br>“(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 ”.   |
| 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 ”.  |

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## SCHEDULE 3

Section 52.

### REPEALS

#### Commencement Information

- II** 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. | In section 5(1)(ac) the words “(excluding any detachable, |



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|              |                                |   |
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|              |                                | folding, retractable or other moveable butt-stock)".  |
|              |                                | 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". |
|              |                                | In section 23(2)(a), the words "in, or".  |
|              |                                | Section 28(3).  |
|              |                                | Section 42.   |
|              |                                | In section 54(5)(b), the words "in, or".  |
|              |                                | In Schedule 6, the entry relating to section 42.  |
| 1988 c. 45.  | Firearms (Amendment) Act 1988. | Section 4.  |
|              |                                | In section 9, the words from the beginning to "and".  |
|              |                                | Section 10.   |
|              |                                | In section 12(5), the words from the beginning to "subsection (1) above".   |
| 1992. c. 31. | Firearms (Amendment) Act 1992. | Section 1.  |

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