



# Firearms Act 1968

## 1968 CHAPTER 27

### PART I

#### PROVISIONS AS TO POSSESSION, HANDLING AND DISTRIBUTION OF WEAPONS AND AMMUNITION; PREVENTION OF CRIME AND MEASURES TO PROTECT PUBLIC SAFETY

##### *Prevention of crime and preservation of public safety*

#### **16 Possession of firearm with intent to injure.**

It is an offence for a person to have in his possession any firearm or ammunition with intent by means thereof to endanger life [<sup>F1</sup>or cause serious injury to property], or to enable another person by means thereof to endanger life [<sup>F1</sup>or cause serious injury to property], whether any injury [<sup>F1</sup>to person or property] has been caused or not.

#### **Textual Amendments**

**F1** Words repealed by (E.W.) [Criminal Damage Act 1971 \(c. 48\)](#), [Sch. Pt.I](#)

#### **[<sup>F2</sup>16A Possession of firearm with intent to cause fear of violence.**

It is an offence for a person to have in his possession any firearm or imitation firearm with intent—

- (a) by means thereof to cause, or
- (b) to enable another person by means thereof to cause,

any person to believe that unlawful violence will be used against him or another person.]

#### **Textual Amendments**

**F2** [S. 16A](#) inserted (21.9.1994) by [1994 c. 31](#), [ss. 1\(1\), 4\(2\)](#) (with [s. 4\(3\)](#))

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## 17 Use of firearm to resist arrest.

- (1) It is an offence for a person to make or attempt to make any use whatsoever of a firearm or imitation firearm with intent to resist or prevent the lawful arrest or detention of himself or another person.
- (2) If a person, at the time of his committing or being arrested for an offence specified in Schedule 1 to this Act, has in his possession a firearm or imitation firearm, he shall be guilty of an offence under this subsection unless he shows that he had it in his possession for a lawful object.
- (3) . . . . . F3
- (4) For purposes of this section, the definition of “firearm” in section 57(1) of this Act shall apply without paragraphs (b) and (c) of that subsection, and “imitation firearm” shall be construed accordingly.
- (5) In the application of this section to Scotland, a reference to Schedule 2 to this Act shall be substituted for the reference in subsection (2) to Schedule 1 . . . . F4

### Textual Amendments

F3 S. 17(3) repealed by [Theft Act 1968 \(c. 60\)](#), [Sch. 3 Pt. III](#)

F4 Words repealed by [Theft Act 1968 \(c. 60\)](#), [Sch. 3 Pt. III](#)

### Modifications etc. (not altering text)

C1 S. 17(2) applied (E.W.)(31.10.1991) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), [s.90\(2\)](#); [S.I. 1991/2208, art. 2\(4\)](#), [Sch.3](#).

## 18 Carrying firearm with criminal intent.

- (1) It is an offence for a person to have with him a firearm or imitation firearm with intent to commit an indictable offence, or to resist arrest or prevent the arrest of another, in either case while he has the firearm or imitation firearm with him.
- (2) In proceedings for an offence under this section proof that the accused had a firearm or imitation firearm with him and intended to commit an offence, or to resist or prevent arrest, is evidence that he intended to have it with him while doing so.
- (3) In the application of this section to Scotland, for the reference to an indictable offence there shall be substituted a reference to any offence specified in paragraphs 1 to 18 of Schedule 2 to this Act.

## 19 Carrying firearm in a public place.

A person commits an offence if, without lawful authority or reasonable excuse (the proof whereof lies on him) he has with him in a public place a loaded shot gun or loaded air weapon, or any other firearm (whether loaded or not) together with ammunition suitable for use in that firearm.

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## 20 Trespassing with firearm.

- (1) A person commits an offence if, while he has a firearm [<sup>F6</sup>or imitation firearm] with him, he enters or is in any building or part of a building as a trespasser and without reasonable excuse (the proof whereof lies on him).
- (2) A person commits an offence if, while he has a firearm [<sup>F6</sup>or imitation firearm] with him, he enters or is on any land as a trespasser and without reasonable excuse (the proof whereof lies on him).
- (3) In subsection (2) of this section the expression “land” includes land covered with water.

### Textual Amendments

**F6** Words in s. 20 inserted (21.9.1994) by 1994 c. 31, ss. 2(1), 4(2) (with s. 4(3))

## 21 Possession of firearms by persons previously convicted of crime.

- (1) A person who has been sentenced [<sup>F7</sup>to custody for life or] to preventive detention, or to imprisonment or to corrective training for a term of three years or more [<sup>F7</sup>or to youth custody [<sup>F8</sup>or detention in a young offender institution] for such a term], or who has been sentenced to be detained for such a term in a young offenders institution in Scotland, shall not at any time have a firearm or ammunition in his possession.
- (2) A person who has been sentenced . . . <sup>F9</sup> to imprisonment for a term of three months or more but less than three years [<sup>F10</sup>or to youth custody [<sup>F11</sup>or detention in a young offender institution] for such a term], or who has been sentenced to be detained for such a term in a detention centre or in a young offenders institution in Scotland [<sup>F12</sup>or who has been subject to a secure training order], shall not at any time before the expiration of the period of five years from the date of his release have a firearm or ammunition in his possession.

[<sup>F13</sup>(2A) For the purposes of subsection (2) above, “the date of his release” means—

- (a) in the case of a person sentenced to imprisonment with an order under section 47(1) of the Criminal Law Act 1977 (prison sentence partly served and partly suspended), the date on which he completes service of so much of the sentence as was by that order required to be served in prison;
- (b) in the case of a person who has been subject to a secure training order—
  - (i) the date on which he is released from detention under the order;
  - (ii) the date on which he is released from detention ordered under section 4 of the Criminal Justice and Public Order Act 1994; or
  - (iii) the date halfway through the total period specified by the court in making the order,

whichever is the later.]

(3) A person who—

- (a) is the holder of a licence issued under section 53 of the <sup>M1</sup>Children and Young Persons Act 1933 or section 57 of the <sup>M2</sup>Children and Young Persons (Scotland) Act 1937 (which sections provide for the detention of children and young persons convicted of serious crime, but enable them to be discharged on licence by the Secretary of State); or

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- (b) is subject to a recognizance to keep the peace or to be of good behaviour, a condition of which is that he shall not possess, use or carry a firearm, or is subject to a probation order containing a requirement that he shall not possess, use or carry a firearm; or
- (c) has, in Scotland, been ordained to find caution a condition of which is that he shall not possess, use or carry a firearm;

shall not, at any time during which he holds the licence or is so subject or has been so ordained, have a firearm or ammunition in his possession.

[<sup>F14</sup>(3A) Where by section 19 of the Firearms Act (Northern Ireland) 1969, or by any other enactment for the time being in force in Northern Ireland and corresponding to this section, a person is prohibited in Northern Ireland from having a firearm or ammunition in his possession, he shall also be so prohibited in Great Britain at any time when to have it in his possession in Northern Ireland would be a contravention of the said section 19 or corresponding enactment];

- (4) It is an offence for a person to contravene any of the foregoing provisions of this section.
- (5) It is an offence for a person to sell or transfer a firearm or ammunition to, or to repair, test or prove a firearm or ammunition for, a person whom he knows or has reasonable ground for believing to be prohibited by this section from having a firearm or ammunition in his possession.
- (6) A person prohibited under subsection (1), (2) [<sup>F15</sup>(3) or (3A)] of this section from having in his possession a firearm or ammunition may apply to [<sup>F16</sup>the Crown Court] or, in Scotland, in accordance with Act of Sederunt to the sheriff for a removal of the prohibition; and if the application is granted that prohibition shall not then apply to him.
- (7) Schedule 3 to this Act shall have effect with respect to the courts with jurisdiction to entertain an application under this section and to the procedure appertaining thereto.

#### Textual Amendments

- F7** Words inserted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 77, **Sch. 14 para. 24(a)**
- F8** Words inserted (E.W.) by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), ss. 123(6), Sch. 8 paras. 6, **16**
- F9** Words repealed by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), ss. 123(6), 170(2), Sch. 8 para. 16, **Sch. 16**
- F10** Words inserted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 77, **Sch. 14 para. 24(b)**
- F11** Words inserted (E.W.) by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 123(6), Sch. 8 paras. 6, **16**
- F12** Words in s. 21(2) inserted (1.3.1998) by 1994 c. 33, s. 168(2), **Sch. 10 para. 24(2)(a)**; S.I. 1998/277, **art. 3(2)**
- F13** S. 21(2A) substituted (1.3.1998) by 1994 c. 33, s. 168(2), **Sch. 10 para. 24(2)(b)**; S.I. 1998/277, **art. 3(2)**
- F14** S. 21(3A) inserted by [Criminal Justice Act 1972 \(c. 71\)](#), ss. 29, 66(7)(a)
- F15** Words substituted by [Criminal Justice Act 1972 \(c. 71\)](#), ss. 29, 66(7)(a)
- F16** Words substituted by [Courts Act 1971 \(c. 23\)](#), s. 56(2), **Sch. 9 Pt. II**

#### Marginal Citations

- M1** 1933 c. 12.
- M2** 1937 c. 37.

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PROSPECTIVE

## [<sup>F17</sup>21A Firing an air weapon beyond premises

- (1) A person commits an offence if—
- (a) he has with him an air weapon on any premises; and
  - (b) he uses it for firing a missile beyond those premises.

- [ A person commits an offence if the person—
- <sup>F18</sup>(1A) (a) is supervising the use and possession of an air weapon on private premises by a person under the age of 18, and
- (b) allows the supervised person to fire any missile beyond those premises.]

- (2) In proceedings against a person for an offence under this section it shall be a defence for him to show that the only premises into or across which the missile was fired were premises the occupier of which had consented to the firing of the missile (whether specifically or by way of a general consent).]

### Textual Amendments

**F17** S. 21A inserted (1.10.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), **ss. 34(2)**, 66(2); S.I. 2007/2180, **art. 3(d)**

**F18** S. 21A(1A) inserted (S.) (31.12.2016) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), s. 88(2), **sch. 2 para. 1(3)**; S.S.I. 2016/130, art. 3(c)

## 22 Acquisition and possession of firearms by minors.

- (1) It is an offence for a person under the age of seventeen to purchase or hire any firearm or ammunition.

[<sup>F19</sup>(1A) Where a person under the age of eighteen is entitled, as the holder of a certificate under this Act, to have a firearm in his possession, it is an offence for that person to use that firearm for a purpose not authorised by the European weapons directive.]

- (2) It is an offence for a person under the age of fourteen to have in his possession any firearm or ammunition to which section 1 of this Act applies, except in circumstances where under section 11(1), (3) or (4) of this Act [<sup>F20</sup>or section 15 of the Firearms (Amendment) Act 1988] he is entitled to have possession of it without holding a firearm certificate.

- (3) It is an offence for a person under the age of fifteen to have with him an assembled shot gun except while under the supervision of a person of or over the age of twenty-one, or while the shot gun is so covered with a securely fastened gun cover that it cannot be fired.

- (4) Subject to section 23 below, it is an offence for a person under the age of fourteen to have with him an air weapon or ammunition for an air weapon.

- (5) Subject to section 23 below, it is an offence for a person under the age of seventeen to have an air weapon with him in a public place, except an air gun or air rifle which is so covered with a securely fastened gun cover that it cannot be fired.

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#### Textual Amendments

- F19** S. 22(1A) inserted (1.1.1993) by S.I. 1992/2823, **reg. 4(1)**
- F20** S. 22(2): Words inserted by **Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), s. 23(4)** [Editorial Note: the amending section provides that the insertion is to be made after the words "of this Act". Those words appear twice in s. 22(2), but the sense of the subsection as amended seems to require that the insertion should be made after the second occurrence of those words.]

### 23 Exceptions from s. 22(4) and (5).

- (1) It is not an offence under section 22(4) of this Act for a person to have with him an air weapon or ammunition while he is under the supervision of a person of or over the age of twenty-one; but where a person has with him an air weapon on any premises in circumstances where he would be prohibited from having it with him but for this subsection, it is an offence—
- (a) for him to use it for firing any missile beyond those premises; or
  - (b) for the person under whose supervision he is to allow him so to use it.
- (2) It is not an offence under section 22(4) or (5) of this Act for a person to have with him an air weapon or ammunition at a time when—
- (a) being a member of a rifle club or miniature rifle club for the time being approved by the Secretary of State for the purposes of this section or [<sup>F21</sup>section 15 of the Firearms (Amendment) Act 1988], he is engaged as such a member <sup>F22</sup> . . . in connection with [<sup>F23</sup>target shooting]; or
  - (b) he is using the weapon or ammunition at a shooting gallery where the only firearms used are either air weapons or miniature rifles not exceeding .23 inch calibre.

#### Textual Amendments

- F21** Words substituted by **Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), s. 23(4)**
- F22** Words in s. 23(2)(a) repealed (1.7.1997) by 1997 c. 5, s. 52(2), **Sch. 3**; S.I. 1997/1535, art. 3(b), **Sch. Pt. I**
- F23** Words in s. 23(2) substituted (1.10.1997) by 1997 c. 5, s. 52(1), **Sch. 2 para. 3**; S.I. 1997/1535, art. 3(c), **Sch. Pt. II**

### 24 Supplying firearms to minors.

- (1) It is an offence to sell or let on hire any firearm or ammunition to a person under the age of seventeen.
- (2) It is an offence—
- (a) to make a gift of or lend any firearm or ammunition to which section 1 of this Act applies to a person under the age of fourteen; or
  - (b) to part with the possession of any such firearm or ammunition to a person under that age, except in circumstances where that person is entitled under section 11(1), (3) or (4) of this Act [<sup>F24</sup>or section 15 of the Firearms (Amendment) Act 1988] to have possession thereof without holding a firearm certificate.

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- (3) It is an offence to make a gift of a shot gun or ammunition for a shot gun to a person under the age of fifteen.
- (4) It is an offence—
  - (a) to make a gift of an air weapon or ammunition for an air weapon to a person under the age of fourteen; or
  - (b) to part with the possession of an air weapon or ammunition for an air weapon to a person under that age except where by virtue of section 23 of this Act the person is not prohibited from having it with him.
- (5) In proceedings for an offence under any provision of this section it is a defence to prove that the person charged with the offence believed the other person to be of or over the age mentioned in that provision and had reasonable ground for the belief.

#### Textual Amendments

**F24** Words inserted by [Firearms \(Amendment\) Act 1988 \(c. 45, SIF 51:1\)](#), **s. 23(4)**

PROSPECTIVE

#### [<sup>F25</sup>24A Supplying imitation firearms to minors

- (1) It is an offence for a person under the age of eighteen to purchase an imitation firearm.
- (2) It is an offence to sell an imitation firearm to a person under the age of eighteen.
- (3) In proceedings for an offence under subsection (2) it is a defence to show that the person charged with the offence—
  - (a) believed the other person to be aged eighteen or over; and
  - (b) had reasonable ground for that belief.
- (4) For the purposes of this section a person shall be taken to have shown the matters specified in subsection (3) if—
  - (a) sufficient evidence of those matters is adduced to raise an issue with respect to them; and
  - (b) the contrary is not proved beyond a reasonable doubt.]

#### Textual Amendments

**F25** [S. 24A](#) inserted (1.10.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), **ss. 40(1), 66(2)**; [S.I. 2007/2180](#), **art. 3(i)**

#### 25 Supplying firearm to person drunk or insane.

It is an offence for a person to sell or transfer any firearm or ammunition to, or to repair, prove or test any firearm or ammunition for, another person whom he knows or has reasonable cause for believing to be drunk or of unsound mind.

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