Firearms Act 1968

1968 CHAPTER 27

PART II

FIREARM AND SHOT GUN CERTIFICATES; REGISTRATION OF FIREARMS DEALERS

Supplementary

40 Compulsory register of transactions in firearms.

(1) Subject to section 41 of this Act, every person who by way of trade or business manufactures, sells or transfers firearms or ammunition shall provide and keep a register of transactions and shall enter or cause to be entered therein the particulars specified in Schedule 4 to this Act.

(2) In subsection (1) above and in the said Schedule 4, any reference to firearms is to be construed as not including a reference to air weapons or component parts of, or accessories to, air weapons; and any reference therein to ammunition is to be construed as not including—

(a) cartridges containing five or more shot, none of which exceeds ·36 inch in diameter;

(b) ammunition for an air gun, air rifle or air pistol; or

(c) blank cartridges not more than one inch in diameter measured immediately in front of the rim or cannelure of the base of the cartridge.

(3) Every entry required by subsection (1) of this section to be made in the register shall be made within twenty-four hours after the transaction to which it relates took place and, in the case of a sale or transfer, every person to whom that subsection applies shall at the time of the transaction require the purchaser or transferee, if not known to him, to furnish particulars sufficient for identification and shall immediately enter the said particulars in the register.

[[F1](3A) Every person keeping a register in accordance with this section shall (unless required to surrender the register under section 38(8) of this Act) keep it for such a period that

Status: *Point in time view as at 01/10/1994.*
Changes to legislation: *Firearms Act 1968, Cross Heading: Supplementary is up to date with all changes known to be in force on or before 08 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

each entry made after the coming into force of this subsection will be available for inspection for at least five years from the date on which it was made.**]**

(4) Every person keeping a register in accordance with this section shall on demand allow **[**[F2]a constable**]**, duly authorised in writing in that behalf by the chief officer of police, to enter and inspect all stock in hand and shall on request by an officer of police so authorised or by an officer of customs and excise produce the register for inspection:

Provided that, where a written authority is required by this subsection, the authority shall be produced on demand.

(5) It is an offence for a person to fail to comply with any provision of this section or knowingly to make any false entry in the register required to be kept thereunder.

(6) Nothing in this section applies to the sale of firearms or ammunition by auction in accordance with the terms of a permit issued under section 9(2) of this Act.

(7) Rules made by the Secretary of State under section 53 of this Act may vary or add to Schedule 4 to this Act, and references in this section to that Schedule shall be construed as references to the Schedule as for the time being so varied or added to.

Textual Amendments

F1 S. 40(3A) inserted by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), **s. 13(4)**

F2 Words substituted by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), **s. 23(3)**

41 Exemption from s. 40 in case of trade in shot gun components.

If it appears to the chief officer of police that—

(a) a person required to be registered as a firearms dealer carries on a trade or business in the course of which he manufactures, tests or repairs component parts or accessories for shot guns, but does not manufacture, test or repair complete shot guns; and

(b) it is impossible to assemble a shot gun from the parts likely to come into that person's possession in the course of that trade or business,

the chief officer of police may, if he thinks fit, by notice in writing given to that person exempt his transactions in those parts and accessories, so long as the notice is in force, from all or any of the requirements of section 40 of this Act and Schedule 4 thereto.

42 Transactions with persons not registered dealers.

(1) A person who sells, lets on hire, gives or lends a firearm or ammunition to which section 1 of this Act applies to another person in the United Kingdom, not being a registered firearms dealer shall, unless the other person shows that he is by virtue of this Act entitled to purchase or acquire the firearm or ammunition without holding a firearm certificate, comply with any instructions contained in the certificate produced; and in the case of a firearm he shall, within **[**[F3]seven days**]** from the transaction, send by registered post or the recorded delivery service notice of the transaction to the chief officer of police by whom the certificate was issued.

[[F4](1A) The notice under subsection (1) above shall contain a description of the firearm (giving the identification number if any) and state the nature of the transaction and the name and address of the other person concerned.**]**

Status: *Point in time view as at 01/10/1994.*
Changes to legislation: *Firearms Act 1968, Cross Heading: Supplementary is up to date with all changes known to be in force on or before 08 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) It is an offence for a person to fail to comply with this section.

Textual Amendments

F3 Words substituted by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), **s. 23(6)**

F4 S. 42(1A) inserted by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), **s. 23(6)**

[F5 42A Information as to transactions under visitors' permits.

(1) A person who sells, lets on hire, gives or lends a shot gun with a magazine to another person who—

(a) shows that he is entitled to purchase or acquire the weapon as the holder of a visitor's shot gun permit under section 17 of the Firearms (Amendment) Act 1988; but

(b) fails to show that the purchase or acquisition falls within subsection (1A)(c) or (d) of that section (temporary acquisi tions or purchases or acquisitions by collectors etc.) or that he resides outside the member States,

shall, within forty-eight hours of the transaction, send by registered post or the recorded delivery service notice of the transaction to the chief officer of police who granted that permit.

(2) A notice under subsection (1) above shall—

(a) contain a description of the shot gun (giving the identification number if any);

(b) state the nature of the transaction (giving the name of the person to whom the gun has been sold, let on hire, given or lent, his address in the member State where he resides and the number and place of issue of his passport, if any); and

(c) set out the particulars of any licence granted for the purposes of an order made under section 1 of the Import, Export and Customs Powers (Defence) Act 1939 by virtue of which the transaction is authorised under section 17 of that Act of 1988.

(3) It is an offence for a person to fail to comply with this section.**]**

Textual Amendments

F5 S. 42A inserted (1.1.1993) by S.I. 1992/2823, **reg. 6(2)**

43 Power of Secretary of State to alter fees.

(1) Sections 32 and 35 of this Act may be amended by an order made by the Secretary of State so as to vary any sum specified thereby, or so as to provide that any sum payable thereunder shall cease to be so payable.

(2) An order made under this section may—

(a) be limited to such cases as may be specified by the order and may make different provision for different cases so specified; and

(b) be revoked or varied by a subsequent order so made.

Status: *Point in time view as at 01/10/1994.*
Changes to legislation: *Firearms Act 1968, Cross Heading: Supplementary is up to date with all changes known to be in force on or before 08 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) The power to make orders under this section shall be exercisable by statutory instrument and any statutory instrument containing such an order shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Modifications etc. (not altering text)

C1 S. 43 modified by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), **ss. 11(4)**, 17(9)

C2 S. 43 extended (*prosp.*) by 1997 c. 5, **ss. 21(6)**, 53(3) (which amending s. 21(6) was repealed (17.12.1997) by 1997 c. 64, s. 2(7), **Sch.**; S.I. 1997/3114, art. 3, **Sch. Pt. I**)
S. 43 extended (*prosp.*) by 1988 c. 45, **s. 15A(3)** (as inserted (*prosp.*) by 1997 c. 5, **ss. 46**, 53(3)) (which amending s. 15A(3) of 1998 c. 45 and s. 46 of 1997 c. 5 were repealed (17.12.1997) by 1997 c. 64, s. 2(7), **Sch.**; S.I. 1997/3114, art. 3, **Sch. Pt. I**)

44 Appeals from police decisions under Part II.

(1) An appeal under section 26, 29, 30, 34, 36, 37 or 38 of this Act lies, in England and Wales, to **[**[F6]the Crown Court**]** and, in Scotland, in accordance with Act of Sederunt to the sheriff.

(2) In relation to an appeal specified in the first column of Part I of Schedule 5 to this Act—

(a) . . . . . [F7]

(b) the third column shows, for Scotland, the sheriff,

having jurisdiction to entertain the appeal.

(3) The procedural and other provisions contained in Part II of Schedule 5 to this Act shall have effect (for England and Wales only) on an appeal to **[**[F6]the Crown Court**]** under any provision of this Part of this Act.

Textual Amendments

F6 Words substituted by Courts Act 1971 (c. 23), s. 56(2), **Sch. 9 Pt. I**

F7 S. 44(2)(a) repealed by Courts Act 1971 (c. 23), **Sch. 11 Pt. IV**

45 Consequences where registered dealer convicted of offence.

(1) Where a registered firearms dealer is convicted of an offence relevant for the purposes of this section the court may order—

(a) that the name of the dealer be removed from the register; and

(b) that neither the dealer nor any person who acquires his business, nor any person who took part in the management of the business and was knowingly a party to the offence, shall be registered as a firearms dealer; and

(c) that any person who, after the date of the order, knowingly employs in the management of his business the dealer convicted of the offence or any person who was knowingly a party to the offence, shall not be registered as a firearms dealer or, if so registered, shall be liable to be removed from the register; and

(d) that any stock-in-hand of the business shall be disposed of by sale or otherwise in accordance with such directions as may be contained in the order.

(2) The offences relevant for the purposes of this section are:—

Status: *Point in time view as at 01/10/1994.*
Changes to legislation: *Firearms Act 1968, Cross Heading: Supplementary is up to date with all changes known to be in force on or before 08 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) all offences under this Act, except an offence under section 2, 22(3) or 24(3) or an offence relating specifically to air weapons; and

(b) offences against the **[**[F8]enactments for the time being in force relating to customs or excise**]** in respect of the import or export of firearms or ammunition to which section 1 of this Act applies, or of shot guns.

(3) A person aggrieved by an order made under this section may appeal against the order in the same manner as against the conviction, and the court may, if it thinks fit, suspend the operation of the order pending the appeal.

Textual Amendments

F8 Words substituted by Customs and Excise Management Act 1979 (c. 2, SIF 40:1), s. 177(1), **Sch. 4 para. 12**

Status:
Point in time view as at 01/10/1994.

Changes to legislation:
Firearms Act 1968, Cross Heading: Supplementary is up to date with all changes known to be in force on or before 08 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.