



# Firearms Act 1968

## 1968 CHAPTER 27

### PART III

#### LAW ENFORCEMENT AND PUNISHMENT OF OFFENCES

#### **52 Forfeiture and disposal of firearms; cancellation of certificate by convicting court.**

(1) Where a person—

- (a) is convicted of an offence under this Act (other than an offence under section 22(3) or an offence relating specifically to air weapons) or is convicted of a crime for which he is sentenced to imprisonment, . . . <sup>F1</sup> or detention in a detention centre or [<sup>F2</sup>in a young offenders' institution] in Scotland [<sup>F3</sup>or is subject to a [<sup>F4</sup>detention and training order]]; or
- (b) has been ordered to enter into 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
- (c) is subject to a [<sup>F5</sup>community order] containing a requirement that he shall not possess, use or carry a firearm; or
- (d) has, in Scotland, been ordained to find caution a condition of which is that he shall not possess, use or carry a firearm,

the court by or before which he is convicted, or by which the order is made, may make such order as to the forfeiture or disposal of any firearm or ammunition found in his possession as the court thinks fit and may cancel any firearm certificate or shot gun certificate held by him.

[<sup>F6</sup>(1ZA) Where—

- (a) a person is convicted as mentioned in subsection (1)(a) by or before a court in England and Wales, or
- (b) an order of the kind mentioned in subsection (1)(b) or (c) is made in relation to a person by a court in England and Wales,

**Changes to legislation:** Firearms Act 1968, Section 52 is up to date with all changes known to be in force on or before 22 April 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) View outstanding changes

the court may cancel any air weapon certificate granted to the person under section 5 of the Air Weapons and Licensing (Scotland) Act 2015 which has not expired or been revoked or cancelled.

(1ZB) Where a person is convicted of an offence under Part 1 of the Air Weapons and Licensing (Scotland) Act 2015, the court by or before which the person is convicted may make such order as to the forfeiture or disposal of any firearm (other than an air weapon within the meaning of section 1 of that Act) or ammunition found in the person's possession as the court thinks fit.]

[<sup>F7</sup>(1A) In subsection (1)(c) “community order” means—

(a) a community order within [<sup>F8</sup>the meaning given by section 200 of the Sentencing Code][<sup>F9</sup>, or a youth rehabilitation order within [<sup>F10</sup>the meaning given by section 173 of that Code],] made in England and Wales, or

[<sup>F11</sup>(b) a community payback order under section 227A of the Criminal Procedure (Scotland) Act 1995 (c.46).]

(2) Where the court cancels a certificate under this section—

(a) the court shall cause notice to be sent to the chief officer of police by whom the certificate was granted; and

(b) the chief officer of police shall by notice in writing require the holder of the certificate to surrender it; and

(c) it is an offence for the holder to fail to surrender the certificate within twenty-one days from the date of the notice given him by the chief officer of police.

(3) A constable may seize and detain any firearm or ammunition which may be the subject of an order for forfeiture under this section.

(4) A court of summary jurisdiction or, in Scotland, the sheriff may, on the application of the chief officer of police, order any firearm or ammunition seized and detained by a constable under this Act to be destroyed or otherwise disposed of.

[ In this section references to ammunition include references to a primer to which <sup>F12</sup>(5) section 35 of the Violent Crime Reduction Act 2006 applies and to an empty cartridge case incorporating such a primer.]]

#### Textual Amendments

- F1** Words repealed by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), **ss. 123(6)**. 170(2), Sch. 8 para. 16, Sch. 16
- F2** Words in s. 52(1)(a) repealed (*prosp.*) by virtue of 2000 c. 43, ss. 75, 80, **Sch. 8**
- F3** Words in s. 52(1)(a) inserted (1.3.1998) by 1994 c. 33, s. 168(2), **Sch. 10 para. 24(3)**; S.I. 1998/277, **art. 3(2)**
- F4** S. 52(1): words “detention and training order” substituted for “secure training order” (E.W.) (1.4.2000) by 1998 c. 37, s. 119, **Sch. 8 para. 15**; S.I. 1999/3426, **art. 3(b)**
- F5** Words in s. 52(1)(c) substituted (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 304, 336(3), **Sch. 32 para. 13(2)**; S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(7) (subject to art. 2(2), Sch. 2)
- F6** S. 52(1ZA)(1ZB) inserted (10.4.2017) by [The Air Weapons and Licensing \(Scotland\) Act 2015 \(Consequential Provisions\) Order 2017 \(S.I. 2017/452\)](#), arts. 1(2), **3**
- F7** S. 52(1A) inserted (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 304, 336(3), **Sch. 32 para. 13(3)**; S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(7) (subject to art. 2(2), Sch. 2)
- F8** Words in s. 52(1A)(a) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 17(a)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

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- F9** Words in s. 52(1A)(a) inserted (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), [Sch. 4 para. 7](#) (with [Sch. 27 paras. 1, 5](#)); S.I. 2009/3074, art. 2(p)(iii)
- F10** Words in s. 52(1A)(a) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 17\(b\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F11** S. 52(1A)(b) substituted (1.2.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), s. 206(1), [sch. 2 para. 30\(3\)](#); S.S.I. 2010/413, art. 2, sch. (with art. 3(1))
- F12** S. 52(5) inserted (6.4.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), ss. {50(5)}, 66(2); S.I. 2007/858, [art. 2\(h\)\(i\)](#)

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

- C1** S. 52 applied by [Firearms \(Amendment\) Act 1988 \(c. 45, SIF 51:1\)](#), s. 25(5)
- C2** S. 52 applied with modifications (6.4.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), ss. 50(3)(c), 66(2); S.I. 2007/858, [art. 2\(h\)\(ii\)](#)
- C3** S. 52 extended (1.7.1997) by 1997 c. 5, s. 50(4); S.I. 1997/1535, art. 3(b), [Sch. Pt. I](#)

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**Changes and effects yet to be applied to :**

- s. 52(1)(a) words repealed by [2000 c. 43 Sch. 8](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act amended by [1997 c. 5 s. 12\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 12 was repealed (17.12.1997) by 1997 c. 64, s. 2(7), Sch.; S.I. 1997/3114, art. 3, Sch. Pt. I)
- Blanket amendment words substituted by [S.I. 2011/1043 art. 34](#)

**Whole provisions yet to be inserted into this Act (including any effects on those provisions):**

- s. 3A inserted by [2023 c. 49 s. 2](#)
- s. 11(3A)-(4A) substituted for s. 11(4) by [2023 c. 49 s. 1\(2\)](#)
- s. 51(2A) added by [1997 c. 48 s. 62\(1\)Sch. 1 para. 3](#)