



# Firearms (Amendment) Act 1988

## 1988 CHAPTER 45

### *Miscellaneous and supplementary*

#### **20 Removal of arms and ammunition to Northern Ireland. E+W+S**

- (1) Section 6 of the principal Act (power to control movement of arms and ammunition) shall be amended as follows.
- (2) After subsection (1) there shall be inserted—

“(1A) The Secretary of State may by order prohibit the removal of firearms or ammunition from Great Britain to Northern Ireland unless—

  - (a) the removal is authorised by the chief officer of police for the area from which they are to be removed and by the Chief Constable of the Royal Ulster Constabulary; and
  - (b) such conditions as may be specified in the order or imposed by the chief officer of police or the Chief Constable are complied with.”
- (3) Paragraph (b) of subsection (1) (which is superseded by the new subsection (1A)) shall be omitted.

#### **21 Payments in respect of prohibited weapons. E+W+S**

The Secretary of State shall, in accordance with a scheme made by him, make payments to persons who surrender or otherwise dispose of firearms—

- (a) which they had, and were entitled to have, in their possession immediately before 23rd September 1987 by virtue of firearm or shot gun certificates held by them; or
- (b) which before that date they had contracted to acquire and were entitled to have in their possession on or after that date by virtue of such certificates held by them,

and the possession of which will become, or has become, unlawful by virtue of section 1(2) or 7(1) above.

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## 22 Firearms consultative committee. **E+W+S**

- (1) There shall be established in accordance with the provisions of this section a firearms consultative committee consisting of a chairman and not less than twelve other members appointed by the Secretary of State, being persons appearing to him to have knowledge and experience of one or more of the following matters—
  - (a) the possession, use or keeping of, or transactions in, firearms;
  - (b) weapon technology; and
  - (c) the administration or enforcement of the provisions of [<sup>F1</sup>the Firearms Acts 1968 to 1997].
- (2) The reference in subsection (1)(a) above to the use of firearms includes in particular a reference to their use for sport or competition.
- (3) Subject to subsection (4) below, a member of the committee shall hold and vacate office in accordance with the terms of his appointment.
- (4) Any member of the committee may resign by notice in writing to the Secretary of State; and the chairman may by such a notice resign his office as such.
- (5) It shall be the function of the committee—
  - (a) to keep under review the working of the provisions mentioned in subsection (1)(c) above and to make to the Secretary of State such recommendations as the committee may from time to time think necessary for the improvement of the working of those provisions;
  - (b) to make proposals for amending those provisions if it thinks fit; and
  - (c) to advise the Secretary of State on any other matter relating to those provisions which he may refer to the committee.
- (6) The committee shall in each year make a report on its activities to the Secretary of State who shall lay copies of the report before Parliament.
- (7) The Secretary of State may make to members of the committee such payments as he may determine in respect of expenses incurred by them in the performance of their duties.
- (8) The committee shall cease to exist at the end of the period of five years beginning with the day on which this section comes into force unless the Secretary of State provides by an order made by statutory instrument for it to continue thereafter, but no such order shall continue the committee for more than three years at a time.

### Textual Amendments

**F1** Words in s. 22(1)(c) substituted (1.7.1997) by 1997 c. 5, s. 52(1), **Sch. 2 para. 20**; S.I. 1997/1535, art. 3(b), **Sch. Pt. I**

## 23 Minor and consequential amendments and repeals. **E+W+S**

- (1) In section 4 of the principal Act (conversion of weapons) in subsection (4), for the words “converted contrary to subsection (3) above” there shall be substituted the words “converted as mentioned in subsection (3) above”.
- (2) In section 12(2) of that Act (exemption for theatrical etc. performances) for the words “such a firearm as is described in section 5(1)(a) of this Act” there shall be substituted

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the words “a prohibited weapon” and for the words “the firearm” there shall be substituted the words “the weapon”.

- (3) In sections 13(1)(c), 40(4) and 49(1) of that Act (which refer to officers of police) for the words “an officer of police”, wherever occurring, there shall be substituted the words “a constable”.
- (4) In sections 22(2) and 24(2)(b) of that Act (exemption for minors in cases to which section 11(3) applies) after the words “of this Act” there shall be inserted the words “or section 15 of the Firearms (Amendment) Act 1988” and in section 23(2)(a) of that Act (which contains a similar exemption) for the words “section 11(3) of this Act” there shall be substituted the words “section 15 of the Firearms (Amendment) Act 1988”.
- (5) In section 27(2) of that Act (matters to be specified in firearm certificate) after the words “the nature and number of the firearms to which it relates” there shall be inserted the words “, including if known their identification numbers,” and after the word “purchased” there shall be inserted the words “or acquired”.
- (6) In subsection (1) of section 42 of that Act (transferor of firearm to which section 1 applies to give notice of transaction to a chief officer of police) for the words “forty-eight hours” there shall be substituted the words “seven days” and after that subsection there shall be inserted—
  - “(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.”
- (7) In Part I of Schedule 6 to that Act (penalties), in the entry relating to section 9(3) (false statement to obtain permit for auction of firearms) for columns 3 and 4 there shall be substituted the following—

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“Summary	6 months or a fine not exceeding level 5 on the standard scale; or both.”
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- (8) Section 14 of that Act (persons temporarily in Great Britain) is hereby repealed.

## 24 Expenses and receipts. **E+W+S**

- (1) Any administrative expenses incurred by the Secretary of State under section 15 or 22 above or the Schedule to this Act and any sums required by him for making payments under section 21 or 22 above shall be paid out of money provided by Parliament.
- (2) Any fees received by the Secretary of State under section 15 above or the Schedule to this Act shall be paid into the Consolidated Fund.

## 25 Interpretation and supplementary provisions. **E+W+S**

- (1) In this Act “the principal Act” means the <sup>M1</sup>Firearms Act 1968 and any expression which is also used in that Act has the same meaning as in that Act.
- (2) In section 57 of the principal Act (definitions) after subsection (2) there shall be inserted—

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“(2A) In this Act “self-loading” and “pump-action” in relation to any weapon mean respectively that it is designed or adapted (otherwise than as mentioned in section 5(1)(a)) so that it is automatically re-loaded or that it is so designed or adapted that it is re-loaded by the manual operation of the fore-end or forestock of the weapon.

(2B) In this Act “revolver”, in relation to a smooth-bore gun, means a gun containing a series of chambers which revolve when the gun is fired.”

(3) In section 57(4) of the principal Act after the definition of “registered” there shall be inserted—

““rifle” includes carbine;”.

(4) Any reference in the principal 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.

(5) Sections 46, 51(4) and 52 of the principal Act (powers of search, time-limit for prosecutions and forfeiture and cancellation orders on conviction) shall apply also to offences under this Act except that on the conviction of a person for an offence under the Schedule to this Act no order shall be made for the forfeiture of anything in his possession for the purposes of the museum in question.

(6) Sections 53 to 56 and section 58 of the principal Act (rules, Crown application, service of notices and savings) shall have effect as if this Act were contained in that Act.

(7) The provisions of this Act other than sections 15 and 17 shall be treated as contained in the principal Act for the purposes of the <sup>M2</sup>Firearms Act 1982 (imitation firearms readily convertible into firearms to which section 1 of the principal Act applies).

#### Marginal Citations

**M1** 1968 c. 27.

**M2** 1982 c. 31.

## 26 Corresponding provisions for Northern Ireland. **E+W+S**

(1) An Order in Council under paragraph 1(1)(b) of Schedule 1 to the <sup>M3</sup>Northern Ireland Act 1974 (legislation for Northern Ireland in the interim period) which states that it is made only for purposes corresponding to those of the provisions of this Act to which this section applies—

- (a) shall not be subject to paragraph 1(4) and (5) of that Schedule (affirmative resolution of both Houses of Parliament); but
- (b) shall be subject to annulment in pursuance of a resolution of either House.

(2) This section applies to—

- (a) section 1(1), (2) and (3);
- (b) section 9;
- (c) section 13(1), (3) and (5);
- (d) section 14;
- (e) section 15(5) and (6);

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- (f) section 23(2);
- (g) section 25(1), (2), (5), (6) and (7).

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**Marginal Citations**

**M3** 1974 c. 28.

**27 Short title, citation, commencement and extent. U.K.**

- (1) This Act may be cited as the Firearms (Amendment) Act 1988.
- (2) This Act and the Firearms Acts 1968 and 1982 may be cited together as the Firearms Acts 1968 to 1988.
- (3) Except for section 26 and this section the provisions of this Act shall not come into force until such day as the Secretary of State may appoint by an order made by statutory instrument; and any such order may appoint different days for different provisions or different purposes and contain such transitional provisions as appear to the Secretary of State to be necessary or expedient in connection with any provision brought into force.
- (4) Except for [F2section 1, so far as enabling provision to be made amending the Customs and Excise Management Act 1979, and] section 26 and this section this Act does not extend to Northern Ireland.

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**Subordinate Legislation Made**

**P1** S. 27(3): power of appointment conferred by s. 27(3) fully exercised: [S.I. 1988/2209](#), 1989/853, 1673, 1990/2620

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**Textual Amendments**

**F2** Words in s. 27(4) inserted (22.1.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 32 para. 50](#); [S.I. 2004/81](#), art. 3(1)(2)(d)

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