



Firearms (Amendment) Act 1997

1997 CHAPTER 5

PART II

LICENSED PISTOL CLUBS

Preliminary

19 Purpose of Part II

(1) This Part provides for the licensing of pistol clubs and their premises and for the regulation of licensed pistol clubs.

(2) In this Act—

“licence” means a licence granted under section 21 below in respect of a pistol club and any premises of that club; and “licensed pistol club” shall be construed accordingly.

“licensed premises”, in relation to a licensed pistol club, means any premises which are specified in the club’s licence as being premises which may be used for the purpose of storing or using small-calibre pistols.

20 No pistol club to operate without a licence

(1) No club shall allow any small-calibre pistol to be stored or used on any of its club premises in connection with target shooting, unless the club is a licensed pistol club.

(2) No licensed pistol club shall allow a small-calibre pistol to be stored or used on any of its club premises by any holder of a firearm certificate or visitor’s firearm permit subject to a condition that it is only to be used for target shooting, unless—

- (a) the certificate or permit holder is a member of that club;
- (b) the premises are specified in the club’s licence as premises at which small-calibre pistols may be stored and used;
- (c) the premises are specified in the certificate or permit as the place where the pistol is to be kept.

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- (3) Subsection (2) above does not apply to—
- (a) the storage on licensed premises of a licensed pistol club of a small-calibre pistol purchased or acquired by the responsible officer of that club for use only by members of the club in connection with target shooting;
 - (b) the use on licensed premises of a licensed pistol club of a small-calibre pistol by a member of the club who is permitted to have it in his possession by virtue of section 27(3) below; or
 - (c) the use of a pistol on the licensed premises of a licensed pistol club if the person using the pistol is authorised by a permit under section 13 above to have the pistol with him on those premises.
- (4) If a small-calibre pistol is stored or used in contravention of subsection (1) or (2) above, the persons or any of the persons responsible for the management of the club commit an offence 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.
- (5) In proceedings against any person for an offence under subsection (4) above, it shall be a defence for him to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.
- (6) In this section “club premises” means premises which are occupied by and habitually used for the purposes of the club.

Grant, variation, and revocation of licences

21 Grant of licences

- (1) The Secretary of State may, if he thinks fit, on the application in the prescribed form of an officer of a club who has been nominated for the purpose, grant a licence in respect of that club and such club premises as are specified in the licence.
- (2) The application shall specify the club premises (or if two or more separate premises, each of them) in respect of which a licence is sought, being premises where storage of small-calibre pistols on behalf of members of the club, or the use of such pistols by members for target shooting, will be permitted by the licence.
- (3) A licence shall specify the club premises on which small-calibre pistols may be stored or used and may limit the uses which may be made of the premises so specified or any part of them.
- (4) A licence may include limitations excluding or restricting the application of section 27(3) below to members of the club.
- (5) A licence shall be granted to the officer of the club who made the application on behalf of the club.
- (6) There shall be payable on the grant or renewal of a licence a fee of £150.

This subsection shall be included in the provisions which may be amended by an order under section 43 of the 1968 Act.

- (7) In this Part “the responsible officer”, in relation to a licensed pistol club, means the officer of the club to whom the licence was granted or who has since become the responsible officer by virtue of a variation of the terms of the licence.

22 Criteria for grant of licence

- (1) The Secretary of State shall (without prejudice to all other relevant considerations) only grant a licence in respect of a club and any of its premises if, after consulting the chief officer of police for the area in which the premises are situated, he is satisfied that the arrangements for storing and using small-calibre pistols there are such that their storage and use will not endanger the public safety or the peace.
- (2) The Secretary of State may publish such guidance as he considers appropriate for the purpose of informing persons seeking a licence of criteria that must be met by a club and its premises before any application for the grant of a licence in respect of that club and those premises will be considered.

23 Licence conditions

- (1) A licence shall be granted subject to such conditions specified in it as the Secretary of State thinks necessary for securing that the operation of the club, and the storage and use of small-calibre pistols on the premises specified in the licence, will not endanger the public safety or the peace.
- (2) It is an offence for the persons or any of the persons responsible for the management of a licensed pistol club to fail to comply with any condition of the licence or, as the case may be, to fail to secure that any such condition is complied with.
- (3) In proceedings against any person for an offence under subsection (2) above, it shall be a defence for him to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.
- (4) An offence under subsection (2) above is 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.

24 Duration of licence and renewal

- (1) A licence shall (unless previously revoked) continue in force for six years from the date on which it is granted but shall be renewable for further periods of six years at a time.

The provisions of this Part shall apply to the renewal of a licence as they apply to a grant.

- (2) The Secretary of State may by order amend subsection (1) above by substituting for any period mentioned in that subsection such longer or shorter period as may be specified in the order.
- (3) An order under subsection (2) above reducing the period for which a licence may be granted or renewed shall only apply to licences granted or renewed after the date on which the order comes into force.
- (4) The power to make an order under subsection (2) above is exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

25 Variation of licence

- (1) The Secretary of State may at any time, if he thinks fit (and whether on the application of the responsible officer or not) vary the terms and conditions of a licence granted in respect of a licensed pistol club, by notice in writing—
 - (a) to the responsible officer; or
 - (b) to the persons, or any of the persons, for the time being responsible for the management of the club.
- (2) A notice varying a licence under subsection (1) above may require the person or persons notified to deliver up the licence to the Secretary of State within 21 days of the date of the notice for the purpose of having it amended in accordance with the variation; and it is an offence for a person so notified to fail to comply with a notice under this subsection.
- (3) An offence under subsection (2) above is punishable on summary conviction with a fine not exceeding level 3 on the standard scale.

26 Revocation of licence

- (1) The Secretary of State may at any time, if he thinks fit, revoke a licence by notice in writing—
 - (a) to the responsible officer of the club;
 - (b) to the persons, or any of the persons, for the time being responsible for the management of the club.
- (2) Where a licence is revoked the Secretary of State shall by notice in writing—
 - (a) require the person or persons notified to surrender the licence to him forthwith;
 - (b) require the person or persons notified to deliver forthwith into the custody of the chief officer of police for the area in which the premises are situated any small-calibre pistols stored on the club premises;
 - (c) require the responsible officer to surrender to him the register kept by him under section 28 below (or, if the register is kept by means of a computer, a copy of the information comprised in the register in a visible and legible form) within 21 days from the date of the notice.
- (3) Where the licence of a licensed pistol club is revoked by the Secretary of State under subsection (1) above, notice shall be given to each member of the club holding a firearm certificate or visitor's firearm permit—
 - (a) informing the member that the licence has been revoked; and
 - (b) if the chief officer thinks fit, requiring the member to deliver up his firearm certificate or, as the case may be, his visitor's firearm permit within 21 days of the date of the notice, for the purpose of amending it.
- (4) A notice under subsection (3) above to a member of a pistol club whose licence has been revoked shall be given by the chief officer of police who granted the certificate or permit to that member.
- (5) The holder of a firearm certificate or a visitor's firearm permit granted in respect of a small-calibre pistol which is required by the certificate or permit to be kept at the licensed premises of a licensed pistol club shall not be guilty of any offence under this Act or the 1968 Act by reason only that the pistol continues to be kept at those premises

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after the licence has been revoked and before the pistol is delivered into police custody in accordance with a notice under subsection (2) above.

- (6) A small-calibre pistol delivered into police custody by virtue of a notice under subsection (2) above shall not be released to any person except on the authority of the chief officer of police into whose custody it was delivered.
- (7) The 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 to the chief officer for the release of the pistol (whether to him or to a person nominated by him).
- (8) When such an application is made the chief officer of police may require such written statements, from any person, as he considers necessary for the purpose of determining the application.
- (9) A person who fails to comply with a notice under subsection (2) or (3) above commits an offence punishable on summary conviction with a fine not exceeding level 3 on the standard scale.

27 Exemptions from s. 1 of the 1968 Act relating to licensed pistol clubs

- (1) The responsible officer of a licensed pistol club may, without holding a firearm certificate, have a small-calibre pistol or ammunition in his possession on the licensed premises of that club.
- (2) Any other officer or member of such a club may also, without holding a firearm certificate, be in possession of a small-calibre pistol or ammunition on those premises in any circumstances if the chief officer of police for the area in which the premises are situated has given his approval in writing for that person to have possession of small-calibre pistols or ammunition in such circumstances.
- (3) Subject to subsections (4) and (5) below, a member of a licensed pistol club who has not previously held a firearm certificate in relation to a small-calibre pistol may, without holding a firearm certificate, have in his possession a small-calibre pistol and ammunition on licensed premises of that club when engaged in connection with target shooting under the supervision of an officer of the club.
- (4) Subsection (3) above shall not apply to a person after the end of the period of 28 days beginning with the first day on which he has a small-calibre pistol in his possession by virtue of that subsection.
- (5) The application of subsection (3) above to members of a licensed pistol club may be excluded or restricted in relation to the club by limitations contained in the licence.

Pistol registers

28 Registers to be kept at licensed pistol clubs

- (1) The responsible officer of a licensed pistol club shall keep at the licensed premises of the club a register (“the pistol register”) relating to the small-calibre pistols stored and used at those premises.

If two or more separate premises are licensed, a register shall be kept at each of those premises.

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- (2) The responsible officer shall enter or cause to be entered in the pistol register the following particulars in relation to each pistol stored at the licensed premises at which the register is kept, that is to say—
- (a) the name and address of the person (or if more than one each person) authorised by a firearm certificate or visitor's firearm permit to have the pistol in his possession;
 - (b) a description of the pistol;
 - (c) the date on which the pistol was first stored at the premises;
 - (d) the date and time of any removal of the pistol from the premises (together with the date of issue of any permit under section 13 above authorising the removal and the police force which issued it);
 - (e) the date and time of the return of the pistol after being removed;
 - (f) any other particulars required to be entered in the register by regulations under section 29 below;
- and any entry relating to the date on which a pistol was first stored at the premises, or its subsequent removal from or return to those premises, shall be made within twenty four hours of that event.
- (3) The information recorded on a pistol register shall (unless the register is surrendered to the Secretary of State under section 26(2) above) be kept so that each entry made in it will be available for inspection for at least five years from the date on which it was made.
- (4) It is an offence for the responsible officer—
- (a) to fail to comply with any requirement of this section;
 - (b) knowingly or recklessly to make any entry in the pistol register which is false in any material particular.
- (5) An offence under subsection (4) above is 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.

Supplementary

29 Regulations

- (1) The Secretary of State may by regulations—
- (a) prescribe requirements in relation to licensed pistol clubs, the operation of such clubs and the licensed premises of such clubs;
 - (b) impose obligations on the responsible officer or the persons responsible for the management of a licensed pistol club;
 - (c) impose obligations on persons who are authorised under section 27(2) above to have a small-calibre pistol in their possession on licensed premises of licensed pistol clubs without holding firearm certificates.
- (2) The regulations may provide for breach of any provision made under subsection (1) (b) or (c) above to be an offence punishable on summary conviction with—
- (a) imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the standard scale or both; or
 - (b) such lesser penalty as may be prescribed in the regulations.

- (3) The regulations may provide that in any proceedings against a person for an offence under the regulations, it is a defence for him to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.
- (4) The power to make regulations under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

30 Powers of entry and inspection

- (1) A constable or civilian officer duly authorised in writing in that behalf by the chief officer of police for the area in which any licensed premises of a licensed pistol club are situated may, on producing if required his authority—
 - (a) enter those premises, and
 - (b) inspect those premises, and anything on them,for the purpose of ascertaining whether the provisions of this Part, any regulations under section 29 above, and any limitations or conditions contained in the licence of the club are being complied with.
- (2) The power of a constable or civilian officer under subsection (1) above to inspect anything on licensed premises includes power to require any information which is kept by means of a computer and is accessible from the premises to be made available for inspection in a visible and legible form.
- (3) It is an offence for any person intentionally to obstruct a constable or civilian officer in the exercise of his powers under subsection (1) above.
- (4) An offence under subsection (3) above is punishable on summary conviction with a fine not exceeding level 3 on the standard scale.

31 Penalty for false statements

- (1) It is an offence for a person knowingly or recklessly to make a statement false in any material particular for the purpose of procuring the grant, renewal or variation of a licence or the release of a small-calibre pistol from police custody under section 26 above.
- (2) An offence under subsection (1) above is 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.