



# Anti-social Behaviour Act 2003

## 2003 CHAPTER 38

### PART 5

#### FIREARMS

#### **39 Prohibition of certain air weapons**

- (1) The Firearms Act 1968 (c. 27) shall be amended as follows.
- (2) In section 1(3)(b) after “air pistol” insert “ which does not fall within section 5(1) and which is ”.
- (3) In section 5 (weapons subject to general prohibition) after subsection (1)(ae) insert—
  - “(af) any air rifle, air gun or air pistol which uses, or is designed or adapted for use with, a self-contained gas cartridge system;”.
- (4) If at the time when subsection (3) comes into force a person has in his possession an air rifle, air gun or air pistol of the kind described in section 5(1)(af) of the Firearms Act 1968 (inserted by subsection (3) above)—
  - (a) section 5(1) of that Act shall not prevent the person’s continued possession of the air rifle, air gun or air pistol,
  - (b) section 1 of that Act shall apply, and
  - (c) a chief officer of police may not refuse to grant or renew, and may not revoke or partially revoke, a firearm certificate under Part II of that Act on the ground that the person does not have a good reason for having the air rifle, air gun or air pistol in his possession.
- (5) But subsection (4)(a) to (c) shall not apply to possession in the circumstances described in section 8 of that Act (authorised dealing).
- (6) In section 1 of the Firearms (Amendment) Act 1988 (c. 45)—
  - (a) in subsection (4), omit the word “or” at the end of paragraph (a) and after paragraph (b) insert—

“; or

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*Changes to legislation: There are currently no known outstanding effects for the Anti-social Behaviour Act 2003, Section 39. (See end of Document for details)*

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- (c) any air rifle, air gun or air pistol which is not for the time being specified in that subsection but appears to him to be specially dangerous,” and
- (b) after subsection (4) insert—
  - “(4A) An order under subsection (4)—
    - (a) may provide for a provision of the principal Act to apply with or without modification or exception in relation to anything added to subsection (1) of section 5 by the order,
    - (b) may impose conditions in respect of any application, modification or exception provided for by the order (which may, in particular, include provision requiring a person to obtain a certificate in accordance with an enactment referred to or applied by the order),
    - (c) may make provision generally or by reference to a particular purpose or circumstance,
    - (d) may confer a function on the Secretary of State or another specified person, and
    - (e) may make transitional, consequential or incidental provision.”

#### **Commencement Information**

- I1** S. 39(1)(2)(4)-(6) in force at 20.1.2004 by [S.I. 2003/3300](#), [art. 2\(c\)\(iii\)](#)
- I2** S. 39(3) in force at 20.1.2004 for specified purposes by [S.I. 2003/3300](#), [art. 2\(c\)\(iii\)](#)
- I3** S. 39(3) in force at 30.4.2004 in so far as not already in force by [S.I. 2003/3300](#), [art. 5\(1\)](#) (with [art. 5\(2\)](#))

**Changes to legislation:**

There are currently no known outstanding effects for the Anti-social Behaviour Act 2003, Section 39.