



# Policing and Crime Act 2017

## 2017 CHAPTER 3

### PART 6

#### FIREARMS AND PYROTECHNIC ARTICLES

##### *Firearms*

#### **125 Firearms Act 1968: meaning of “firearm” etc**

- (1) The Firearms Act 1968 is amended as follows.
- (2) In section 57 (interpretation), in subsection (1), for the words from the beginning to the end of paragraph (c) substitute—
  - “(1) In this Act, the expression “firearm” means—
    - (a) a lethal barrelled weapon (see subsection (1B));
    - (b) a prohibited weapon;
    - (c) a relevant component part in relation to a lethal barrelled weapon or a prohibited weapon (see subsection (1D));
    - (d) an accessory to a lethal barrelled weapon or a prohibited weapon where the accessory is designed or adapted to diminish the noise or flash caused by firing the weapon;”.
- (3) In that section, before subsection (2) insert—

“(1B) In subsection (1)(a), “lethal barrelled weapon” means a barrelled weapon of any description from which a shot, bullet or other missile, with kinetic energy of more than one joule at the muzzle of the weapon, can be discharged.

(1C) Subsection (1) is subject to section 57A (exception for airsoft guns).”
- (4) In that section, after subsection (1C) (as inserted by subsection (3) above) insert—

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“(1D) For the purposes of subsection (1)(c), each of the following items is a relevant component part in relation to a lethal barrelled weapon or a prohibited weapon—

- (a) a barrel, chamber or cylinder,
- (b) a frame, body or receiver,
- (c) a breech block, bolt or other mechanism for containing the pressure of discharge at the rear of a chamber,

but only where the item is capable of being used as a part of a lethal barrelled weapon or a prohibited weapon.”

(5) After section 57 insert—

**“57A Exception for airsoft guns**

(1) An “airsoft gun” is not to be regarded as a firearm for the purposes of this Act.

(2) An “airsoft gun” is a barrelled weapon of any description which—

- (a) is designed to discharge only a small plastic missile (whether or not it is also capable of discharging any other kind of missile), and
- (b) is not capable of discharging a missile (of any kind) with kinetic energy at the muzzle of the weapon that exceeds the permitted level.

(3) “Small plastic missile” means a missile that—

- (a) is made wholly or partly from plastics,
- (b) is spherical, and
- (c) does not exceed 8 millimetres in diameter.

(4) The permitted kinetic energy level is—

- (a) in the case of a weapon which is capable of discharging two or more missiles successively without repeated pressure on the trigger, 1.3 joules;
- (b) in any other case, 2.5 joules.”

(6) After section 57A (as inserted by subsection (5) above) insert—

**“57B Power to amend section 57(1D)**

(1) The Secretary of State may by regulations made by statutory instrument amend section 57(1D) so as to make different provision for the purposes of section 57(1)(c) about the meaning of a relevant component part in relation to a lethal barrelled weapon or a prohibited weapon.

(2) Regulations under this section may include—

- (a) incidental, supplementary or consequential provision;
- (b) transitional, transitory or saving provision.

(3) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

## 126 Firearms Act 1968: meaning of “antique firearm”

- (1) Section 58 of the Firearms Act 1968 (particular savings) is amended in accordance with subsections (2) and (3).
- (2) After subsection (2) (which makes provision about antique firearms) insert—
- “(2A) For the purposes of subsection (2), a firearm is an “antique firearm” if—
- (a) either the conditions in subsection (2B) are met or the condition in subsection (2C) is met, and
  - (b) if an additional condition is specified in regulations under subsection (2D), that condition is also met.
- (2B) The conditions in this subsection are that—
- (a) the firearm’s chamber or, if the firearm has more than one chamber, each of its chambers is either—
    - (i) a chamber that the firearm had when it was manufactured, or
    - (ii) a replacement for such a chamber that is identical to it in all material respects;
  - (b) the firearm’s chamber or (as the case may be) each of the firearm’s chambers is designed for use with a cartridge of a description specified in regulations made by statutory instrument by the Secretary of State (whether or not it is also capable of being used with other cartridges).
- (2C) The condition in this subsection is that the firearm’s propulsion system is of a description specified in regulations made by statutory instrument by the Secretary of State.
- (2D) The Secretary of State may by regulations made by statutory instrument specify either of the following conditions for the purposes of subsection (2A) (b)—
- (a) a condition that a number of years specified in the regulations has elapsed since the date on which the firearm was manufactured;
  - (b) a condition that the firearm was manufactured before a date specified in the regulations.
- (2E) In its application to Scotland, subsection (2C) does not apply in relation to a firearm that is an air weapon.
- (2F) Regulations under subsection (2B), (2C) or (2D) may make different provision for different purposes.
- (2G) Subject to subsection (2H), a statutory instrument containing regulations under subsection (2B), (2C) or (2D) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (2H) A statutory instrument containing regulations under subsection (2B) or (2C) which contain only provision amending regulations previously made under that subsection so as to remove a description of cartridge or a description of propulsion system from the descriptions specified in those regulations is subject to annulment in pursuance of a resolution of either House of Parliament.”

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- (3) In subsection (2)—
  - (a) in paragraph (a), for “section 21” substitute “sections 19, 20 and 21”;
  - (b) in paragraph (b), for “section 21” substitute “section 19, 20 or 21”.
- (4) Subsections (5) to (7) apply where—
  - (a) immediately before the coming into force of regulations under section 58(2B), (2C) or (2D) of the Firearms Act 1968 (as inserted by subsection (2) above), a person has in his or her possession a firearm that is an antique firearm for the purposes of section 58(2) of that Act, and
  - (b) in consequence of the coming into force of the regulations, the firearm ceases to be an antique firearm for those purposes.
- (5) Section 5 of the Firearms Act 1968 does not apply in relation to the possession of the firearm by the person unless—
  - (a) the person carries on a business as a firearms dealer, and
  - (b) the firearm is in his or her possession for the purpose of the business.
- (6) An application by the person for a certificate under section 1 or 2 of that Act in respect of possession of the firearm may not be refused on the ground that the person does not have a good reason for having the firearm in his or her possession.
- (7) An application by the person for the renewal of a certificate issued under section 1 or 2 of that Act in respect of possession of the firearm may not be refused on the ground that the person does not have a good reason for having the firearm in his or her possession.
- (8) The provision made by subsections (4) to (7) does not prevent additional transitional provision being made (under the power conferred by section 183(9)) in connection with the coming into force of this section (including provision for enabling certificates and authorisations under the Firearms Act 1968 to be issued or granted before this section comes fully into force).

## **127 Possession of articles for conversion of imitation firearms**

After section 4 of the Firearms Act 1968 (conversion of weapons) insert—

### **“4A Possession of articles for use in connection with conversion**

- (1) A person, other than a registered firearms dealer, commits an offence if—
  - (a) the person has in his or her possession or under his or her control an article that is capable of being used (whether by itself or with other articles) to convert an imitation firearm into a firearm, and
  - (b) the person intends to use the article (whether by itself or with other articles) to convert an imitation firearm into a firearm.
- (2) A person guilty of an offence under this section is liable—
  - (a) on summary conviction—
    - (i) in England and Wales, to imprisonment for a term not exceeding 12 months (or, in relation to offences committed before section 154(1) of the Criminal Justice Act 2003 comes into force, 6 months) or to a fine, or to both;

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- (ii) in Scotland, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum, or to both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or to a fine, or to both.”

## 128 Controls on defectively deactivated weapons

After section 8 of the Firearms (Amendment) Act 1988 insert—

### “8A Controls on defectively deactivated weapons

- (1) It is an offence for a person who owns or claims to own a defectively deactivated weapon—
  - (a) to make the weapon available for sale or as a gift to another person, or
  - (b) to sell it or give it (as a gift) to another person.
- (2) Subsection (1)(a) does not apply if—
  - (a) the weapon is made available for sale or as a gift only to a person who is outside the EU (or to persons all of whom are outside the EU), and
  - (b) it is made so available on the basis that, if a sale or gift were to take place, the weapon would be transferred to a place outside the EU.
- (3) Subsection (1)(b) does not apply if—
  - (a) the weapon is sold or given to a person who is outside the EU (or to persons all of whom are outside the EU), and
  - (b) in consequence of the sale or gift, it is (or is to be) transferred to a place outside the EU.
- (4) For the purpose of this section, something is a “defectively deactivated weapon” if—
  - (a) it was at any time a firearm,
  - (b) it has been rendered incapable of discharging any shot, bullet or other missile (and, accordingly, has either ceased to be a firearm or is a firearm only by virtue of the Firearms Act 1982), but
  - (c) it has not been rendered so incapable in a way that meets the technical specifications for the deactivation of the weapon that apply at the time when the weapon is made available for sale or as a gift or (as the case may be) when it is sold or given as a gift.
- (5) The Secretary of State must publish a document setting out the technical specifications that apply for the purposes of subsection (4)(c) (“the technical specifications document”).
- (6) The technical specifications document may set out different technical specifications for different kinds of weapon.
- (7) The Secretary of State—
  - (a) may from time to time revise the technical specifications document, and
  - (b) where it is revised—
    - (i) must publish the document as revised, and

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- (ii) specify in it the date on which any changes to the technical specifications that apply for the purposes of subsection (4)(c) take effect.
- (8) In the case of a weapon rendered incapable as mentioned in subsection (4)(b) before 8 April 2016, subsection (1)(a) or (b) does not apply if the weapon is made available for sale or as a gift, or (as the case may be) sold or given, by or on behalf of a museum in respect of which a museum firearms licence is in force to another museum in respect of which such a licence is in force.
- (9) References in this section to “sale” include exchange or barter (and references to sell are to be construed accordingly).
- (10) In this section, “museum firearms licence” means a licence granted under the Schedule to the Firearms (Amendment) Act 1988.
- (11) A person guilty of an offence under this section is liable—
  - (a) on summary conviction—
    - (i) in England and Wales, to imprisonment for a term not exceeding 12 months (or, in relation to offences committed before section 154(1) of the Criminal Justice Act 2003 comes into force, 6 months) or to a fine, or to both;
    - (ii) in Scotland, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum, or to both;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or to a fine, or to both.”

## **129 Controls on ammunition which expands on impact**

- (1) The Firearms Act 1968 is amended in accordance with subsections (2) and (3).
- (2) In section 5 (weapons subject to general prohibition), in subsection (1A), for paragraph (f) substitute—
  - “(f) any ammunition which is designed to be used with a pistol and incorporates a missile designed or adapted to expand on impact;”.
- (3) In section 5A (exemptions from requirement of authority under section 5), in subsection (8)(a), after “which”, in the first place it occurs, insert “is designed to be used with a pistol and”.
- (4) In consequence of the amendment made by subsection (2), omit section 9 of the Firearms (Amendment) Act 1997.

## **130 Authorised lending and possession of firearms for hunting etc**

- (1) After section 11 of the Firearms Act 1968 insert—

### **“11A Authorised lending and possession of firearms for hunting etc**

- (1) A person (“the borrower”) may, without holding a certificate under this Act, borrow a rifle or shot gun from another person on private premises (“the lender”) and have the rifle or shot gun in his or her possession on those premises if—

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- (a) the four conditions set out in subsections (2) to (5) are met, and
  - (b) in the case of a rifle, the borrower is aged 17 or over.
- (2) The first condition is that the borrowing and possession of the rifle or shot gun are for either or both of the following purposes—
  - (a) hunting animals or shooting game or vermin;
  - (b) shooting at artificial targets.
- (3) The second condition is that the lender—
  - (a) is aged 18 or over,
  - (b) holds a certificate under this Act in respect of the rifle or shot gun, and
  - (c) is either—
    - (i) a person who has a right to allow others to enter the premises for the purposes of hunting animals or shooting game or vermin, or
    - (ii) a person who is authorised in writing by a person mentioned in sub-paragraph (i) to lend the rifle or shot gun on the premises (whether generally or to persons specified in the authorisation who include the borrower).
- (4) The third condition is that the borrower’s possession and use of the rifle or shot gun complies with any conditions as to those matters specified in the lender’s certificate under this Act.
- (5) The fourth condition is that, during the period for which the rifle or shot gun is borrowed, the borrower is in the presence of the lender or—
  - (a) where a rifle is borrowed, a person who, although not the lender, is aged 18 or over, holds a certificate under this Act in respect of that rifle and is a person described in subsection (3)(c)(i) or (ii);
  - (b) where a shot gun is borrowed, a person who, although not the lender, is aged 18 or over, holds a certificate under this Act in respect of that shot gun or another shot gun and is a person described in subsection (3)(c)(i) or (ii).
- (6) Where a rifle is borrowed on any premises in reliance on subsection (1), the borrower may, without holding a firearm certificate, purchase or acquire ammunition on the premises, and have the ammunition in his or her possession on those premises for the period for which the firearm is borrowed, if—
  - (a) the ammunition is for use with the firearm,
  - (b) the lender’s firearm certificate authorises the lender to have in his or her possession during that period ammunition of a quantity not less than that purchased or acquired by, and in the possession of, the borrower, and
  - (c) the borrower’s possession and use of the ammunition complies with any conditions as to those matters specified in the certificate.”
- (2) In consequence of the amendment made by subsection (1), omit the following—
  - (a) section 11(5) of the Firearms Act 1968;
  - (b) section 16 of the Firearms (Amendment) Act 1988.

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### **131 Limited extension of firearm certificates etc**

(1) After section 28A of the Firearms Act 1968 (certificates: supplementary) insert—

#### **“28B Certificates: limited extension**

- (1) This section applies where—
  - (a) an application is made for the renewal of a certificate on or before the day which falls 8 weeks before the day at the end of which the certificate is due to expire, but
  - (b) the chief officer of police does not determine whether or not to grant the application before the certificate is due to expire.
- (2) The certificate continues in force by virtue of this subsection until whichever of the following events occurs first—
  - (a) the chief officer determines whether or not to grant the application;
  - (b) the extension period ends.
- (3) In subsection (2), “the extension period” means the period of 8 weeks beginning with the day after the day at the end of which the certificate was due to expire.
- (4) If the event mentioned in subsection (2)(a) occurs first, and the chief officer grants the application, any period for which the certificate continued in force under subsection (2) is to be treated for the purposes of section 28A(1) as part of the period for which the renewed certificate is in force.
- (5) This section does not apply in relation to the renewal of a certificate granted or last renewed in Northern Ireland.”

(2) In consequence of the amendment made by subsection (1), in section 28A of that Act (certificates: supplementary), after subsection (1) insert—

“(1A) Subsection (1) is subject to the provision made by section 28B for circumstances in which a certificate may continue in force after the period of five years from the date when it was granted or last renewed.”

### **132 Applications under the Firearms Acts: fees**

(1) After section 32 of the Firearms Act 1968 (fee for certificate and exemption from paying it in certain cases) insert—

#### **“32ZA Fees in connection with authority under section 5**

- (1) The Secretary of State may by regulations authorise the appropriate national authority to require payment of a fee before an authority under section 5 is granted, varied or renewed.
- (2) Regulations under subsection (1) must specify the amount of any fee that may be charged.
- (3) The regulations may make different provision for different cases (including specifying different fees for different cases).
- (4) The regulations may include—



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- (a) incidental, supplementary or consequential provision;
  - (b) transitional, transitory or saving provision.
- (5) Regulations under this section are to be made by statutory instrument.
- (6) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) In this section, “the appropriate national authority” means—
- (a) in or as regards England and Wales, the Secretary of State;
  - (b) in or as regards Scotland, the Scottish Ministers.”
- (2) Before section 16 of the Firearms (Amendment) Act 1988 insert—

**“15B Fees in connection with approvals under section 15**

- (1) The Secretary of State may by regulations authorise the appropriate national authority to require payment of a fee before an approval under section 15 is granted, varied or renewed.
  - (2) Regulations under subsection (1) must specify the amount of any fee that may be charged.
  - (3) The regulations may make different provision for different cases (including specifying different fees for different cases).
  - (4) The regulations may include—
    - (a) incidental, supplementary or consequential provision;
    - (b) transitional, transitory or saving provision.
  - (5) Regulations under this section are to be made by statutory instrument.
  - (6) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.
  - (7) In this section, “the appropriate national authority” means—
    - (a) in or as regards England and Wales, the Secretary of State;
    - (b) in or as regards Scotland, the Scottish Ministers.”
- (3) In the Schedule to the Firearms (Amendment) Act 1988 (firearms and ammunition in museums), omit paragraph 3.
- (4) In that Schedule, before paragraph 4 insert—
- “3A (1) The Secretary of State may by regulations authorise the appropriate national authority to require payment of a fee before a licence is granted, varied or renewed.
- (2) Regulations under sub-paragraph (1) must specify the amount of any fee that may be charged.
  - (3) The regulations may make different provision for different cases (including specifying different fees for different cases).
  - (4) The regulations may include—
    - (a) incidental, supplementary or consequential provision;

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- (b) transitional, transitory or saving provision.
- (5) Regulations under this paragraph are to be made by statutory instrument.
- (6) A statutory instrument containing regulations under this paragraph is subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) In this section, “the appropriate national authority” means—
  - (a) in or as regards England and Wales, the Secretary of State;
  - (b) in or as regards Scotland, the Scottish Ministers.”
- (5) In consequence of the amendment made by subsection (2), omit section 15(6) of the Firearms (Amendment) Act 1988.

### **133 Guidance to police officers in respect of firearms**

- (1) The Firearms Act 1968 is amended as follows.
- (2) After section 55 insert—

#### **“55A Guidance as to exercise of police functions**

- (1) The Secretary of State may issue guidance to chief officers of police as to the exercise of their functions under, or in connection with, this Act.
- (2) The Secretary of State may revise any guidance issued under this section.
- (3) The Secretary of State must arrange for any guidance issued under this section, and any revision of it, to be published.
- (4) A chief officer of police must have regard to any guidance issued under this section.
- (5) Before issuing guidance under this section, the Secretary of State must consult—
  - (a) the National Police Chiefs’ Council, and
  - (b) the chief constable of the Police Service of Scotland.”
- (3) In section 44 (appeals against police decisions), after subsection (3) insert—
  - “(3A) The court or sheriff hearing an appeal must have regard to any guidance issued under section 55A that is relevant to the appeal.”

#### *Pyrotechnic articles*

### **134 Possession of pyrotechnic articles at musical events**

- (1) It is an offence for a person to have a pyrotechnic article in his or her possession at any time when the person is—
  - (a) at a place where a qualifying musical event is being held, or
  - (b) at any other place that is being used by a person responsible for the organisation of a qualifying musical event for the purpose of—
    - (i) regulating entry to, or departure from, the event, or

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- (ii) providing sleeping or other facilities for those attending the event.
- (2) Subsection (1) does not apply—
- (a) to a person who is responsible for the organisation of the event, or
  - (b) to a person who has the article in his or her possession with the consent of a person responsible for the organisation of the event.
- (3) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding 51 weeks (or, in relation to offences committed before section 281(5) of the Criminal Justice Act 2003 comes into force, 3 months), or to a fine not exceeding level 3 on the standard scale, or to both.
- (4) In this section, “pyrotechnic article” means an article that contains explosive substances, or an explosive mixture of substances, designed to produce heat, light, sound, gas or smoke, or a combination of such effects, through self-sustained exothermic chemical reactions, other than—
- (a) a match, or
  - (b) an article specified, or of a description specified, in regulations made by statutory instrument by the Secretary of State.
- (5) In this section, “qualifying musical event” means an event at which one or more live musical performances take place and which is specified, or of a description specified, in regulations made by statutory instrument by the Secretary of State.
- (6) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.