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STATUTORY INSTRUMENTS

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**1992 No. 2823**

**The Firearms Acts (Amendment) Regulations 1992**

**Prohibited weapons and ammunition**

3.—(1) In section 5 of the 1968 Act (weapons subject to a general prohibition), after subsection (1) there shall be inserted the following subsection—

“(1A) Subject to section 5A of this Act, a person commits an offence if, without the authority of the Secretary of State, he has in his possession, or purchases or acquires, or sells or transfers—

- (a) any firearm which is disguised as another object;
- (b) any rocket or ammunition not falling within paragraph (c) of subsection (1) of this section which consists in or incorporates a missile designed to explode on or immediately before impact and is for military use;
- (c) any launcher or other projecting apparatus not falling within paragraph (ae) of that subsection which is designed to be used with any rocket or ammunition falling within paragraph (b) above or with ammunition which would fall within that paragraph but for its being ammunition falling within paragraph (c) of that subsection;
- (d) any ammunition for military use which consists in or incorporates a missile designed so that a substance contained in the missile will ignite on or immediately before impact;
- (e) any ammunition for military use which consists in or incorporates a missile designed, on account of its having a jacket and hard-core, to penetrate armour plating, armour screening or body armour;
- (f) any ammunition which is designed to be used with a pistol and incorporates a missile designed or adapted to expand on impact;
- (g) anything which is designed to be projected as a missile from any weapon and is designed to be, or has been, incorporated in—
  - (i) any ammunition falling within any of the preceding paragraphs; or
  - (ii) any ammunition which would fall within any of those paragraphs but for its being specified in subsection (1) of this section.”

(2) In subsection (2) of that section (weapons and ammunition specified in subsection (1) to be referred to as “prohibited weapons” or “prohibited ammunition”), for “subsection (1) of this section” there shall be substituted “subsections (1) and (1A) of this section (including, in the case of ammunition, any missiles falling within subsection (1A)(g) of this section)”.

(3) After subsection (6) of that section there shall be inserted the following subsection—

“(7) For the purposes of this section and section 5A of this Act—

- (a) any rocket or ammunition which is designed to be capable of being used with a military weapon shall be taken to be for military use;

- (b) references to a missile designed so that a substance contained in the missile will ignite on or immediately before impact include references to any missile containing a substance that ignites on exposure to air; and
  - (c) references to a missile's expanding on impact include references to its deforming in any predictable manner on or immediately after impact.”
- (4) After that section there shall be inserted the following section—

**“Exemptions from requirement of authority under s.5.**

**5A.—**(1) Subject to subsection (2) below, the authority of the Secretary of State shall not be required by virtue of subsection (1A) of section 5 of this Act for any person to have in his possession, or to purchase, acquire, sell or transfer, any prohibited weapon or ammunition if he is authorised by a certificate under this Act to possess, purchase or acquire that weapon or ammunition subject to a condition that he does so only for the purpose of its being kept or exhibited as part of a collection.

(2) No sale or transfer may be made under subsection (1) above except to a person who—

- (a) produces the authority of the Secretary of State under section 5 of this Act for his purchase or acquisition; or
- (b) shows that he is, under this section or a licence under the Schedule to the Firearms (Amendment) Act 1988 (museums etc.), entitled to make the purchase or acquisition without the authority of the Secretary of State.

(3) The authority of the Secretary of State shall not be required by virtue of subsection (1A) of section 5 of this Act for any person to have in his possession, or to purchase or acquire, any prohibited weapon or ammunition if his possession, purchase or acquisition is exclusively in connection with the carrying on of activities in respect of which—

- (a) that person; or
- (b) the person on whose behalf he has possession, or makes the purchase or acquisition, is recognised, for the purposes of the law of another member State relating to firearms, as a collector of firearms or a body concerned in the cultural or historical aspects of weapons.

(4) The authority of the Secretary of State shall not be required by virtue of subsection (1A) of section 5 of this Act for any person to have in his possession, or to purchase or acquire, any expanding ammunition or the missile for any such ammunition if—

- (a) he is authorised by a firearm certificate to possess, purchase or acquire ammunition which is designed to be used with a pistol; and
- (b) the certificate contains a condition prohibiting the use of expanding ammunition for purposes not authorised by the European weapons directive.

(5) The authority of the Secretary of State shall not be required by virtue of subsection (1A) of section 5 of this Act for any person to have in his possession any expanding ammunition or the missile for any such ammunition if—

- (a) he is entitled, under section 10 of this Act, to have a slaughtering instrument and the ammunition for it in his possession; and
- (b) the ammunition or missile in question is designed to be capable of being used with a slaughtering instrument.

(6) The authority of the Secretary of State shall not be required by virtue of subsection (1A) of section 5 of this Act for the sale or transfer of any expanding ammunition or the missile for any such ammunition to any person who produces a certificate by virtue of which he is authorised under subsection (4) above to purchase or acquire it without the authority of the Secretary of State.

(7) The authority of the Secretary of State shall not be required by virtue of subsection (1A) of section 5 of this Act for a person carrying on the business of a firearms dealer, or any servant of his, to have in his possession, or to purchase, acquire, sell or transfer, any expanding ammunition or the missile for any such ammunition if—

- (a) the person carrying on that business is registered as a firearms dealer subject to a condition which prohibits the purchase or acquisition of any such ammunition or missile except for the purpose of making sales or transfers to persons whose purchases or acquisitions are authorised by subsection (4) above or this subsection; and
- (b) the possession, purchase, acquisition, sale or transfer in question is in the ordinary course of that business.

(8) In this section—

- (a) references to expanding ammunition are references to any ammunition which is designed to be used with a pistol and incorporates a missile which is designed to expand on impact; and
- (b) references to the missile for any such ammunition are references to anything which, in relation to any such ammunition, falls within section 5(1A)(g) of this Act.”

(5) In section 57 of the 1968 Act (interpretation), after subsection (4) there shall be inserted the following subsection—

“(4A) For the purposes of any reference in this Act to the use of any firearm or ammunition for a purpose not authorised by the European weapons directive, the directive shall be taken to authorise the use of a firearm or ammunition as or with a slaughtering instrument and the use of a firearm and ammunition—

- (a) for sporting purposes;
- (b) for the shooting of vermin, or, in the course of carrying on activities in connection with the management of any estate, of other wildlife; and
- (c) for competition purposes and target shooting outside competitions.”

(6) In Part I of Schedule 6 to that Act (prosecution and punishment of offences), after the entry relating to section 5(1) there shall be inserted the following entry—

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| “Section 5(1A).. | Possessing or distributing other prohibited weapons or ammunition | (a) Summary...    | 3 months or a fine — of the statutory maximum; or both. |
|                  |   | (b) On indictment | 2 years or a fine; or both.”                            |

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