



# Firearms Act 1968

## 1968 CHAPTER 27

### PART IV

#### MISCELLANEOUS AND GENERAL

#### **53 Rules for implementing this Act**

The Secretary of State may by statutory instrument make rules—

- (a) prescribing the form of certificates under this Act, and the register required to be kept under section 40 of this Act and other documents ;
  - (b) prescribing any other thing which under this Act is to be prescribed; and
  - (c) generally for carrying this Act into effect;
- and rules made under this section may make different provision for different cases.

#### **54 Application of Parts I and II to Crown servants**

- (1) Sections 1, 2, 7 to 13 and 26 to 32 of this Act apply, subject to the modifications specified in subsection (2) of this section, to persons in the service of Her Majesty in their capacity as such so far as those provisions relate to the purchase and acquisition, but not so far as they relate to the possession, of firearms.
- (2) The modifications referred to above are the following:—
  - (a) a person in the service of Her Majesty duly authorised in writing in that behalf may purchase or acquire firearms and ammunition for the public service without holding a certificate under this Act;
  - (b) a person in the naval, military or air service of Her Majesty shall, if he satisfies the chief officer of police on an application under section 26 of this Act that he is required to purchase a firearm or ammunition for his own use in his capacity as such, be entitled without payment of any fee to the grant of a firearm certificate authorising the purchase or acquisition or, as the case may be, to the grant of a shot gun certificate.

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*Status: This is the original version (as it was originally enacted).*

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- (3) For the purposes of this section and of any rule of law whereby any provision of this Act does not bind the Crown, a member of a police force shall be deemed to be a person in the service of Her Majesty.

## **55 Exercise of police functions**

- (1) Rules made under section 53 of this Act may—
- (a) regulate the manner in which chief officers of police are to carry out their duties under this Act;
  - (b) enable all or any of the functions of a chief officer of police to be discharged by a deputy in the event of his illness or absence, or of a vacancy in the office of chief officer of police.
- (2) Without prejudice to subsection (1)(b) of this section, the functions of a chief officer of police under this Act shall be exercisable on any occasion by a person, or a person of a particular class, authorised by the chief officer of police to exercise that function on that occasion, or on occasions of that class or on all occasions.

## **56 Service of notices**

Any notice required or authorised by this Act to be given to a person may be sent by registered post or by the recorded delivery service in a letter addressed to him at his last or usual place of abode or, in the case of a registered firearms dealer, at any place of business in respect of which he is registered.

## **57 Interpretation**

- (1) In this Act, the expression " firearm " means a lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged and includes—
- (a) any prohibited weapon, whether it is such a lethal weapon as aforesaid or not; and
  - (b) any component part of such a lethal or prohibited weapon; and
  - (c) any accessory to any such weapon designed or adapted to diminish the noise or flash caused by firing the weapon;
- and so much of section 1 of this Act as excludes any description of firearm from the category of firearms to which that section applies shall be construed as also excluding component parts of, and accessories to, firearms of that description.
- (2) In this Act, the expression " ammunition " means ammunition for any firearm and includes grenades, bombs and other like missiles, whether capable of use with a firearm or not, and also includes prohibited ammunition.
- (3) For purposes of sections 45, 46, 50, 51(4) and 52 of this Act, the offences under this Act relating specifically to air weapons are those under sections 22(4), 22(5), 23(1) and 24(4).
- (4) In this Act—
- " acquire " means hire, accept as a gift or borrow and " acquisition " shall be construed accordingly ;
  - " air weapon " has the meaning assigned to it by section 1(3)(b) of this Act;

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" area " means a police area ;

" certificate " (except in a context relating to the registration of firearms dealers) and " certificate under this Act" mean a firearm certificate or a shot gun certificate and—

(a) " firearm certificate " means a certificate granted by a chief officer of police under this Act in respect of any firearm or ammunition to which section 1 of this Act applies and includes a certificate granted in Northern Ireland under section 1 of the Firearms Act 1920 or under an enactment of the Parliament of Northern Ireland amending or substituted for that section; and

(b) " shot gun certificate " means a certificate granted by a chief officer of police under this Act and authorising a person to possess shot guns ;

" firearms dealer " means a person who, by way of trade or business, manufactures, sells, transfers, repairs, tests or proves firearms or ammunition to which section 1 of this Act applies, or shot guns ;

" imitation firearm " means any thing which has the appearance of being a firearm (other than such a weapon as is mentioned in section 5(1)(b) of this Act) whether or not it is capable of discharging any shot, bullet or other missile;

" indictable offence " has the same meaning as in the Magistrates' Courts Act 1952, except that it does not include an offence which is triable on indictment only after one or more previous summary convictions thereof;

" premises " includes any land ;

" prescribed " means prescribed by rules made by the Secretary of State under section 53 of this Act;

" prohibited weapon " and " prohibited ammunition " have the meanings assigned to them by section 5(2) of this Act;

" public place " includes any highway and any other premises or place to which at the material time the public have or are permitted to have access, whether on payment or otherwise;

" registered ", in relation to a firearms dealer, means registered either—

(a) in Great Britain, under section 33 of this Act, or

(b) in Northern Ireland, under section 8 of the Firearms Act 1920 or any enactment of the Parliament of Northern Ireland amending or substituted for that section,

and references to " the register ", " registration " and a " certificate of registration " shall be construed accordingly, except in section 40 ;

" shot gun " has the meaning assigned to it by section 1(3) (a) of this Act and, in sections 3(1) and 45(2) of this Act and in the definition of " firearms dealer ", includes any component part of a shot gun and any accessory to a shot gun designed or adapted to diminish the noise or flash caused by firing the gun ;

" slaughtering instrument " means a firearm which is specially designed or adapted for the instantaneous slaughter of animals or for the instantaneous stunning of animals with a view to slaughtering them ; and

" transfer " includes let on hire, give, lend and part with possession, and " transferee " and " transferor " shall be construed accordingly.

(5) The definitions in subsections (1) to (3) above apply to the provisions of this Act except where the context otherwise requires.

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- (6) For purposes of this Act—
- (a) the length of the barrel of a firearm shall be measured from the muzzle to the point at which the charge is exploded on firing; and
  - (b) a shot gun or an air weapon shall be deemed to be loaded if there is ammunition in the chamber or barrel or in any magazine or other device which is in such a position that the ammunition can be fed into the chamber or barrel by the manual or automatic operation of some part of the gun or weapon.

## **58 Particular savings**

- (1) Nothing in this Act shall apply to the proof houses of the Master, Wardens and Society of the Mystery of Gun-makers of the City of London and the guardians of the Birmingham proof house or the rifle range at Small Heath in Birmingham where firearms are sighted and tested, so as to interfere in any way with the operations of those two companies in proving firearms under the provisions of the Gun Barrel Proof Act 1868 or any other Acts for the time being in force, or to any person carrying firearms to or from any such proof house when being taken to such proof house for the purposes of proof or being removed therefrom after proof.
- (2) Nothing in this Act relating to firearms shall apply to an antique firearm which is sold, transferred, purchased, acquired or possessed as a curiosity or ornament.
- (3) The provisions of this Act relating to ammunition shall be in addition to and not in derogation of any enactment relating to the keeping and sale of explosives.
- (4) The powers of arrest and entry conferred by Part III of this Act shall be without prejudice to any power of arrest or entry which may exist apart from this Act; and section 52(3) of this Act is not to be taken as prejudicing the power of a constable, when arresting a person for an offence, to seize property found in his possession or any other power of a constable to seize firearms, ammunition or other property, being a power exercisable apart from that subsection.
- (5) Nothing in this Act relieves any person using or carrying a firearm from his obligation to take out a licence to kill game under the enactments requiring such a licence.

## **59 Repeals and general savings**

- (1) The enactments specified in the second column of Schedule 7 to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (2) In so far as any certificate, authority or permit granted, order or rule made, registration effected, or other thing done under an enactment repealed by this Act could have been granted, made, effected or done under a corresponding provision of this Act, it shall not be invalidated by the repeal of that enactment but shall have effect as if granted, made, effected or done under that corresponding provision; and for the purposes of this provision anything which under section 33(1) or (2) of the Firearms Act 1937 had effect as if done under any enactment in that Act shall, so far as may be necessary for the continuity of the law, be treated as done under the corresponding enactment in this Act.
- (3) Any document referring to an enactment repealed by this Act or by the Firearms Act 1937 shall, so far as may be necessary for preserving its effect, be construed as referring, or as including a reference, to the corresponding enactment in this Act.

- (4) The mention of particular matters in this section shall not be taken to affect the general application of section 38 of the Interpretation Act 1889 with regard to the effect of repeals.

**60 Short title, commencement and extent**

- (1) This Act may be cited as the Firearms Act 1968.
- (2) This Act shall come into force on 1st August 1968.
- (3) This Act shall not extend to Northern Ireland.