



# Anti-social Behaviour Act 2003

## 2003 CHAPTER 38

### PART 5

#### FIREARMS

#### **37 Possession of air weapon or imitation firearm in public place**

(1) In section 19 of the Firearms Act 1968 (c. 27) (offence to carry firearm in public place) for the words from “a loaded shot gun” to the end of the section substitute—

- “(a) a loaded shot gun,
- (b) an air weapon (whether loaded or not),
- (c) any other firearm (whether loaded or not) together with ammunition suitable for use in that firearm, or
- (d) an imitation firearm.”

(2) In Part I of Schedule 6 to that Act (punishment) in the entry relating to section 19—

- (a) in the second column (general nature of offence) for “loaded firearm” substitute “firearm or imitation firearm”, and
- (b) in the third column (mode of prosecution) after “not” insert “in the case of an imitation firearm or”.

<sup>F1F2</sup>(3) .....

#### **Textual Amendments**

- F1** S. 37(3) repealed (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), **Sch. 17 Pt. 2**; [S.I. 2005/3495](#), art. 2(1)(u)(liv)
- F2** S. 37(3) repealed (6.4.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), s. 66(2), **Sch. 5**; [S.I. 2007/858](#), art. 2(n)(xv)

#### **Commencement Information**

- I1** S. 37 in force at 20.1.2004 by [S.I. 2003/3300](#), art. 2(c)(i)

*Changes to legislation: There are currently no known outstanding effects for the Anti-social Behaviour Act 2003, Part 5. (See end of Document for details)*

**38 Air weapons: age limits**

(1) The Firearms Act 1968 shall be amended as follows.

<sup>F3</sup>(2) .....

(3) In section 23 (the heading to which becomes “Exceptions from s. 22(4)”)—

- (a) in subsection (2) omit “or (5)”, and
- (b) after subsection (2) insert—

“(3) It is not an offence under section 22(4) of this Act for a person of or over the age of fourteen to have with him an air weapon or ammunition on private premises with the consent of the occupier.

(4) But where a person has with him an air weapon on premises in circumstances where he would be prohibited from having it with him but for subsection (3), it is an offence for him to use it for firing any missile beyond those premises.”

<sup>F4</sup>(4) .....

(5) In Part I of Schedule 6 (punishment)—

- <sup>F5</sup>(a) .....
- <sup>F5</sup>(b) .....
- <sup>F5</sup>(c) .....
- (d) after that entry insert—

“Section 23(4)	Person under 17 making improper use of air weapon on private premises.	Summary	A fine of level 3 on the standard scale.	Paragraphs 7 and 8 of Part II of this Schedule apply.”,
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and

<sup>F6</sup>(e) .....

(6) In Part II of that Schedule (supplementary)—

- (a) in paragraph 7 for “22(4) or (5), 23(1)” substitute “ 22(4), 23(1) or (4) ”, and
- (b) in paragraph 8 for “22(3), (4) or (5), 23(1)” substitute “ 22(3) or (4), 23(1) or (4) ”.

**Textual Amendments**

- F3** S. 38(2) repealed (1.10.2007) by [Violent Crime Reduction Act 2006 \(c. 38\), s. 66\(2\), Sch. 5; S.I. 2007/2180, art. 4\(f\)\(ii\)](#)
- F4** S. 38(4) repealed (1.10.2007) by [Violent Crime Reduction Act 2006 \(c. 38\), s. 66\(2\), Sch. 5; S.I. 2007/2180, art. 4\(f\)\(ii\)](#)
- F5** S. 38(5)(a)-(c) repealed (1.10.2007) by [Violent Crime Reduction Act 2006 \(c. 38\), s. 66\(2\), Sch. 5; S.I. 2007/2180, art. 4\(f\)\(ii\)](#)
- F6** S. 38(5)(e) repealed (1.10.2007) by [Violent Crime Reduction Act 2006 \(c. 38\), s. 66\(2\), Sch. 5; S.I. 2007/2180, art. 4\(f\)\(ii\)](#)

*Changes to legislation: There are currently no known outstanding effects for the Anti-social Behaviour Act 2003, Part 5. (See end of Document for details)*

### Commencement Information

**I2** S. 38 in force at 20.1.2004 by [S.I. 2003/3300](#), [art. 2\(c\)\(ii\)](#)

## 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

    - (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

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- (e) may make transitional, consequential or incidental provision.”

**Commencement Information**

- I3** S. 39(1)(2)(4)-(6) in force at 20.1.2004 by [S.I. 2003/3300](#), [art. 2\(c\)\(iii\)](#)
- I4** S. 39(3) in force at 20.1.2004 for specified purposes by [S.I. 2003/3300](#), [art. 2\(c\)\(iii\)](#)
- I5** 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, Part 5.