



Policing and Crime Act 2017

2017 CHAPTER 3

PART 6

FIREARMS AND PYROTECHNIC ARTICLES

Firearms

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,

Changes to legislation: *Policing and Crime Act 2017, Section 128 is up to date with all changes known to be in force on or before 02 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (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
 - (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.”

Commencement Information

- I1** S. 128 in force for specified purposes at Royal Assent, see s. 183
- I2** S. 128 in force at 2.5.2017 in so far as not already in force by S.I. 2017/399, reg. 4(d)

Changes to legislation:

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.I. 2017/1139, reg. 2 by [S.I. 2017/1162 reg. 2](#)