



Firearms Act 1937

1937 CHAPTER 12

PART III

GENERAL

25 Provisions as to forfeiture of firearms and cancellation of certificates

(1) Where any person—

- (a) is convicted of an offence under this Act or is convicted of any crime for which he is sentenced to penal servitude or imprisonment; or
- (b) has been ordered to be subject to police supervision or to enter into a recognizance to keep the peace or to be of good behaviour, a condition of which is that the offender shall not possess, use or carry a firearm; or
- (c) has, in Scotland, been ordained to find caution a condition of which is as aforesaid;

the court before whom he is convicted or by whom the order is made may make such order as to the forfeiture or disposal of any firearm or ammunition found in his possession as the court think fit, and may cancel any firearm certificate held by the person convicted.

(2) Where the court cancel a firearm certificate under this section—

- (a) the court shall cause notice to be sent to the chief officer of police by whom the certificate was granted; and
- (b) the chief officer of police shall by notice in writing require the holder of the certificate to surrender it; and
- (c) if the holder fails to surrender the certificate within twenty-one days from the date of the last-mentioned notice, he shall be liable on summary conviction to a fine not exceeding twenty pounds.

26 Power to search for and dispose of firearms and ammunition

(1) If a justice of the peace, or, in Scotland, the sheriff or any magistrate (by whatever name called) officiating under the provisions of any general or local Police Act, is

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satisfied by information on oath that there is reasonable ground for suspecting that an offence under this Act has been, is being, or is about to be committed, he may grant a search warrant authorising any constable named therein—

- (a) to enter at any time any premises or place named in the warrant, if necessary by force, and to search the premises or place and every person found therein; and
 - (b) to seize and detain any firearm or ammunition which he may find on the premises or place, or on any such person, in respect of which or in connection with which he has reasonable grounds for suspecting that an offence under this Act has been, is being, or is about to be committed; and
 - (c) if the premises are those of a registered firearms dealer, to examine any books relating to the business.
- (2) The constable making the search may arrest without warrant any person found on the premises whom he has reason to believe to be guilty of an offence under this Act.
- (3) A court of summary jurisdiction, or in Scotland the sheriff, may, on the application of the chief officer of police, order any firearm or ammunition seized and detained by a police constable under this Act to be destroyed or otherwise disposed of.

27 Time for commencing summary proceedings under Act

Notwithstanding any provision in any Act prescribing the period within which summary proceedings may be instituted, summary proceedings for an offence under this Act may be instituted at any time within the period of four years after the commission of the offence :

Provided that no such proceedings shall be instituted in England after the expiration of the period of six months after the commission of the offence, unless they are instituted by, or by the direction of, the Director of Public Prosecutions.

28 Application of Act to police

For the purpose of the application to this Act of any rule of law whereunder the provisions of this Act do not bind the Crown, and for the purpose of section five of this Act, a member of a police force shall be deemed to be a person in the service of His Majesty.

29 Service of notices

Any notice required or authorised by this Act to be given to any person may be sent by registered post 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.

30 Power to Secretary of State to make rules

A Secretary of State may make rules—

- (a) prescribing the form of firearm certificates, and the register required to be kept under section twelve of this Act, and other documents ;
- (b) prescribing any other thing which under this Act is to be prescribed;

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- (c) regulating the manner in which chief officers of police are to carry out their duties under this Act;
- (d) enabling all or any of the functions of a chief officer of police to be discharged by deputy in the event of the illness or absence, or a vacancy in the office, of the chief officer of police;
- (e) generally for carrying this Act into effect.

31 Transitional

The following provisions of this section shall have effect until the expiration of three months from the commencement of this Act and no longer, that is to say :—

- (a) the provisions of this Act as to the possession of firearms without a firearm certificate shall not apply to firearms which are possessed as trophies of the late war or any former war, if the owner thereof has given notice of the fact in the prescribed form to the chief officer of police of the area in which he resides, and the chief officer has signified under subsection (2) of section thirteen of the Firearms Act, 1920, that a firearm certificate in respect thereof can be dispensed with:

Provided that firearms possessed as aforesaid shall not be used or carried, and no ammunition therefor shall be purchased or acquired;

- (b) the provisions of paragraph (a) of subsection (5) of section ten of this Act shall not apply to any person registered as a firearms dealer at the commencement of this Act.

32 Interpretation

- (1) In this Act the following expressions have the meanings hereby respectively assigned to them:—

" acquiring " means hiring, accepting as a gift and borrowing and the expressions " acquire " and " acquisition " shall be construed accordingly;

" ammunition," except where otherwise expressly provided, means ammunition for any firearm as hereinafter defined, and includes grenades, bombs and other like missiles, whether capable of use with such a firearm or not, and prohibited ammunition;

" area " means a police area as defined in section thirty of the Police (Pensions) Act, 1921;

" chief officer of police " has the meaning assigned to it by section thirty of the Police (Pensions) Act, 1921;

" firearm, " except where otherwise expressly provided, means any lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged and includes any prohibited weapon, whether it is such a lethal weapon as aforesaid or not, any component part of any such lethal or prohibited weapon, and any accessory to any such weapon designed or adapted to diminish the noise or flash caused by firing the weapon;

" firearm certificate " means a certificate granted either—

- (a) in Great Britain, under section two of this Act or under section one of the Firearms Act, 1920; or
- (b) in Northern Ireland, under the said section one or under any enactment passed by the Parliament of Northern Ireland amending or substituted for that section;

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

" offence under this Act " includes any act, omission or other thing which is punishable under this Act;

" prescribed " means prescribed by rules made by a Secretary of State under this Act;

" prohibited ammunition " means any ammunition referred to in paragraph (c) of subsection (1) of section seventeen of this Act;

" prohibited weapon " means any firearm or weapon referred to in paragraph (a) or paragraph (b) of subsection (1) of section seventeen of this Act;

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

- (i) in Great Britain under section eight of this Act or section eight of the Firearms Act, 1920; or
- (ii) in Northern Ireland under section eight of the Firearms Act, 1920, or any enactment passed by the Parliament of Northern Ireland amending or substituted for that section;

" 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;

" transferring " includes letting on hire, giving, lending, and parting with possession, and the expressions " transfer ", " transferee " and " transferor " shall be construed accordingly.

- (2) For the purpose of this Act 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.

33 General savings

- (1) Nothing, in this Act shall affect any order, rule or Act of Sederunt made, certificate granted, notice, direction or approval given or thing done under the Firearms Act, 1920, as amended by any subsequent enactment, and every such order, rule, Act, certificate, notice, direction or approval shall, if in force at the commencement of this Act, continue in force and, so far as it could have been made, granted, issued or given under this Act, have effect as if made, granted, issued or given under the corresponding enactment of this Act.
- (2) Any register kept under subsection (6) of section two or under section eight of the Firearms Act, 1920, shall be deemed to have been kept under the corresponding provision of this Act.
- (3) Any document referring to the Firearms Act, 1920, or any Act amending that Act shall be construed as referring to the corresponding enactment of this Act.
- (4) Nothing in this Act shall apply to the proof houses of the Master, Wardens and Society of the Mystery of Gunmakers 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

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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.

- (5) 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.
- (6) 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.
- (7) Nothing in this section shall be taken to prejudice the provisions of section thirty-eight of the Interpretation Act, 1889.

34 Short title, repeal, extent and commencement

- (1) This Act may be cited as the Firearms Act, 1937.
- (2) The enactments set out in the Fourth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (3) This Act shall not extend to Northern Ireland.
- (4) This Act shall come into operation on the first day of May, nineteen hundred and thirty-seven.