Firearms Act 1968

1968 CHAPTER 27

An Act to consolidate the Firearms Acts 1937 and 1965, the Air Guns and Shot Guns, etc. , Act 1962, Part V of the Criminal Justice Act 1967 and certain enactments amending the Firearms Act 1937. [30th May 1968]

Modifications etc. (not altering text)

C1 Act extended by S.I. 1972/971, **Sch. 1**

C2 Act extended with modifications by Firearms Act 1982 (c. 31, SIF 51:1), **s. 1(2)**

C3 Act amended by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), **ss. 8**, 25(4)
Act amended (1.7.1997) by 1997 c. 5, **s. 48(a)**; S.I. 1997/1535, art. 3, **Sch. Pt. I**
Act amended (*prosp.*) by 1997 c. 5, **ss. 12(2)**, 53(3) (which amending s. 12(2) was repealed (17.12.1997) by 1997 c. 64, s. 2(7), **Sch.**; S.I. 1997/3114, art. 3, **Sch. Pt. I**)

C4 Definitions of "ammunition" and "firearm" in this Act applied (E.W.) (25.10.1991) by Deer Act 1991 (c. 54, SIF 4:3), **ss.16**, 18(3)

C5 By Criminal Justice Act 1991 (c. 53, SIF 39:1), S. 101(1), **Sch. 12 para.23**; S.I. 1991/2208, art. 2(1), **Sch.1** it is provided (14.10. 1991) that in relation to any time before the commencement of s. 70 of that 1991 Act (which came into force on 1.10.1992 by S.I. 1992/333, art. 2(2), **Sch. 2**) references in any enactment amended by that 1991 Act, to youth courts shall be construed as references to juvenile courts.

C6 Act applied (1.7.1997) by 1997 c. 5, **s. 50(2)(3)**; S.I. 1997/1535, art. 3, **Sch. Pt. I**

Commencement Information

I1 Act wholly in force at 1.8.1968, see s. 60(2)

Status: *Point in time view as at 16/05/2019. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Firearms Act 1968 is up to date with all changes known to be in force on or before 23 July 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)*

PART I

PROVISIONS AS TO POSSESSION, HANDLING AND DISTRIBUTION OF WEAPONS AND AMMUNITION; PREVENTION OF CRIME AND MEASURES TO PROTECT PUBLIC SAFETY

General restrictions on possession and handling of firearms and ammunition

1 Requirement of firearm certificate.

(1) Subject to any exemption under this Act, it is an offence for a person—

(a) to have in his possession, or to purchase or acquire, a firearm to which this section applies without holding a firearm certificate in force at the time, or otherwise than as authorised by such a certificate;

(b) to have in his possession, or to purchase or acquire, any ammunition to which this section applies without holding a firearm certificate in force at the time, or otherwise than as authorised by such a certificate, or in quantities in excess of those so authorised.

(2) It is an offence for a person to fail to comply with a condition subject to which a firearm certificate is held by him.

(3) This section applies to every firearm except—

[[F1](a) a shot gun within the meaning of this Act, that is to say a smooth-bore gun (not being an air gun) which—

(i) has a barrel not less than 24 inches in length and does not have any barrel with a bore exceeding 2 inches in diameter;

(ii) either has no magazine or has a non-detachable magazine incapable of holding more than two cartridges; and

(iii) is not a revolver gun; and**]**

(b) an air weapon (that is to say, an air rifle, air gun or air pistol **[**[F2]which does not fall within section 5(1) and which is**]** not of a type declared by rules made by the Secretary of State under section 53 of this Act to be specially dangerous).

[[F3](3A) A gun which has been adapted to have such a magazine as is mentioned in subsection (3)(a)(ii) above shall not be regarded as falling within that provision unless the magazine bears a mark approved by the Secretary of State for denoting that fact and that mark has been made, and the adaptation has been certified in writing as having been carried out in a manner approved by him, either by one of the two companies mentioned in section 58(1) of this Act or by such other person as may be approved by him for that purpose.**]**

(4) This section applies to any ammunition for a firearm, except the following articles, namely:—

(a) cartridges containing five or more shot, none of which exceeds ·36 inch in diameter;

(b) ammunition for an air gun, air rifle or air pistol; and

(c) blank cartridges not more than one inch in diameter measured immediately in front of the rim or cannelure of the base of the cartridge.

Textual Amendments

F1 S. 1(3)(*a*) substituted by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), **s. 2(2)**

Status: *Point in time view as at 16/05/2019. This version of this Act contains provisions that are prospective.*
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F2 Words inserted (20.1.2004) by Anti-social Behaviour Act 2003 (2003 c. 38), **ss. 39(2)(c)(ii)**, 93; S.I. 2003/3300, **art. 2**

F3 S. 1(3A) inserted by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), **s. 2(3)**

Modifications etc. (not altering text)

C7 S. 1(1)(a) excluded (E. W.) (17.12.2003) by The Anti-social Behaviour Act 2003 (Commencement No. 1 and Transitional Provisions) Order 2003 (S.I. 2003/3300), **art. 5(2)**

2 Requirement of certificate for possession of shot guns.

(1) Subject to any exemption under this Act, it is an offence for a person to have in his possession, or to purchase or acquire, a shot gun without holding a certificate under this Act authorising him to possess shot guns.

(2) It is an offence for a person to fail to comply with a condition subject to which a shot gun certificate is held by him.

3 Business and other transactions with firearms and ammunition.

(1) A person commits an offence if, by way of trade or business, he—

(a) manufactures, sells, transfers, repairs, tests or proves any firearm or ammunition to which section 1 of this Act applies, or a shot gun; **[**[F4]or**]**[F5]. . .

(b) exposes for sale or transfer, or has in his possession for sale, transfer, repair, test or proof any such firearm or ammunition, or a shot gun, **[**[F6]**[**[F7]or**]**

(c) **[**[F8]sells or transfers an air weapon, exposes such a weapon for sale or transfer or has such a weapon in his possession for sale or transfer,**]]**

without being registered under this Act as a firearms dealer.

(2) It is an offence for a person to sell or transfer to any other person in the United Kingdom, other than a registered firearms dealer, any firearm or ammunition to which section 1 of this Act applies, or a shot gun, unless that other produces a firearm certificate authorising him to purchase or acquire it or, as the case may be, his shot gun certificate, or shows that he is by virtue of this Act entitled to purchase or acquire it without holding a certificate.

(3) It is an offence for a person to undertake the repair, test or proof of a firearm or ammunition to which section 1 of this Act applies, or of a shot gun, for any other person in the United Kingdom other than a registered firearms dealer as such, unless that other produces or causes to be produced a firearm certificate authorising him to have possession of the firearm or ammunition or, as the case may be, his shot gun certificate, or shows that he is by virtue of this Act entitled to have possession of it without holding a certificate.

(4) Subsections (1) to (3) above have effect subject to any exemption under subsequent provisions of this Part of this Act.

(5) A person commits an offence if, with a view to purchasing or acquiring, or procuring the repair, test or proof of, any firearm or ammunition to which section 1 of this Act applies, or a shot gun, he produces a false certificate or a certificate in which any false entry has been made, or personates a person to whom a certificate has been granted, or **[**[F9]knowingly or recklessly makes a statement false in any material particular**]**.

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(6) It is an offence for a pawnbroker to take in pawn any firearm or ammunition to which section 1 of this Act applies, or a shot gun.

[[F10](7) It is an offence for a pawnbroker to take in pawn an air weapon within the meaning of section 1 of the Air Weapons and Licensing (Scotland) Act 2015.

(8) Subsection (7) applies to Scotland only.**]**

Textual Amendments

F4 Word in s. 3(1) inserted (S.) (31.12.2016) by Air Weapons and Licensing (Scotland) Act 2015 (asp 10), s. 88(2), **sch. 2 para. 1(2)(a)**; S.S.I. 2016/130, art. 3(c)

F5 Word repealed (1.10.2007) by Violent Crime Reduction Act 2006 (c. 38), ss. 65, 66(2), **Sch. 5**; S.I. 2007/2180, **art. 4(f)(i)**

F6 S. 3(1)(c) and preceding word inserted (1.10.2007) by Violent Crime Reduction Act 2006 (c. 38), **ss. 31(1)**, 66(2); S.I. 2007/2180, **art. 4(a)**

F7 Word in s. 3(1) repealed (S.) (31.12.2016) by Air Weapons and Licensing (Scotland) Act 2015 (asp 10), s. 88(2), **sch. 2 para. 1(2)(b)**; S.S.I. 2016/130, art. 3(c)

F8 S. 3(1)(c) repealed (S.) (31.12.2016) by Air Weapons and Licensing (Scotland) Act 2015 (asp 10), s. 88(2), **sch. 2 para. 1(2)(c)**; S.S.I. 2016/130, art. 3(c)

F9 Words in s. 3(5) substituted (1.7.1997) by 1997 c. 5, s. 52(1), **Sch. 2 para. 2(1)**; S.I. 1997/1535, art. 3, **Sch. Pt. I**

F10 S. 3(7)(8) inserted (10.4.2017) by The Air Weapons and Licensing (Scotland) Act 2015 (Consequential Provisions) Order 2017 (S.I. 2017/452), arts. 1(2), **2(2)**

4 Conversion of weapons.

(1) Subject to this section, it is an offence to shorten the barrel of a shot gun to a length less than 24 inches.

(2) It is not an offence under subsection (1) above for a registered firearms dealer to shorten the barrel of a shot gun for the sole purpose of replacing a defective part of the barrel so as to produce a barrel not less than 24 inches in length.

(3) It is an offence for a person other than a registered firearms dealer to convert into a firearm anything which, though having the appearance of being a firearm, is so constructed as to be incapable of discharging any missile through its barrel.

(4) A person who commits an offence under section 1 of this Act by having in his possession, or purchasing or acquiring, a shotgun which has been shortened contrary to subsection (1) above or a firearm which has been **[**[F11]converted as mentioned in subsection (3) above**]** (whether by a registered firearms dealer or not), without holding a firearm certificate authorising him to have it in his possession, or to purchase or acquire it, shall be treated for the purposes of provisions of this Act relating to the punishment of offences as committing that offence in an aggravated form.

Textual Amendments

F11 Words substituted by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1). s. 23(1)

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[F12 4A Possession of articles for use in connection with conversion

(1) A person, other than a registered firearms dealer, commits an offence if—

(a) the person has in his or her possession or under his or her control an article that is capable of being used (whether by itself or with other articles) to convert an imitation firearm into a firearm, and

(b) the person intends to use the article (whether by itself or with other articles) to convert an imitation firearm into a firearm.

(2) 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.]

Textual Amendments

F12 S. 4A inserted (31.1.2017 for specified purposes, 2.5.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 127**, 183(1)(5)(e); S.I. 2017/399, reg. 4(c)

Prohibition of certain weapons and control of arms traffic

5 Weapons subject to general prohibition.

(1) A person commits an offence if, [F13 without authority], he has in his possession, or purchases or acquires F14 ...—

[F15 (a) any firearm which is so designed or adapted that two or more missiles can be successively discharged without repeated pressure on the trigger;

(ab) any self-loading or pump-action [F16 rifled gun] other than one which is chambered for .22 rim-fire cartridges;

[F17 (aba) any firearm which either has a barrel less than 30 centimetres in length or is less than 60 centimetres in length overall, other than an air weapon, F18 . . . a muzzle-loading gun or a firearm designed as signalling apparatus;]

(ac) any self-loading or pump-action smooth-bore gun which is not [F19 an air weapon or] chambered for .22 rim-fire cartridges and either has a barrel less than 24 inches in length or F20 . . . is less than 40 inches in length overall;

(ad) any smooth-bore revolver gun other than one which is chambered for 9mm. rim-fire cartridges or [F21 a muzzle-loading gun];

(ae) any rocket launcher, or any mortar, for projecting a stabilised missile, other than a launcher or mortar designed for line-throwing or pyrotechnic purposes or as signalling apparatus;]

[F22 (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;]

[F23 (ag) any rifle with a chamber from which empty cartridge cases are extracted using—

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(i) energy from propellant gas, or

(ii) energy imparted to a spring or other energy storage device by propellant gas,

other than a rifle which is chambered for .22 rim-fire cartridges;**]**

(b) any weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas or other thing; **[**[F24]and**]**

[[F24](ba) any device (commonly known as a bump stock) which is designed or adapted so that—

(i) it is capable of forming part of or being added to a self-loading lethal barrelled weapon (as defined in section 57(1B) and (2A)), and

(ii) if it forms part of or is added to such a weapon, it increases the rate of fire of the weapon by using the recoil from the weapon to generate repeated pressure on the trigger; and**]**

[[F25](c) any cartridge with a bullet designed to explode on or immediately before impact, any ammunition containing or designed or adapted to contain any such noxious thing as is mentioned in paragraph (b) above and, if capable of being used with a firearm of any description, any grenade, bomb (or other like missile), or rocket or shell designed to explode as aforesaid.**]**

[[F26](1A) [F27]Subject to section 5A of this Act, a person commits an offence if, **[**[F13]without authority**]**, he has in his possession, or purchases or acquires, ...—

(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;

[[F28](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) The weapons and ammunition specified in **[**[F29]subsections (1) and (1A) of this section (including, **[**[F30]in the case of weapons, any devices falling within subsection (1)(ba) of this section and,**]** in the case of ammunition, any missiles falling within subsection (1A)(g) of this section)**]** are referred to in this Act as "prohibited weapons" and "prohibited ammunition" respectively.

[[F31](2A) A person commits an offence if without authority—

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(a) he manufactures any weapon **[**[F32], device**]** or ammunition specified in subsection (1) of this section,

(b) he sells or transfers any prohibited weapon or prohibited ammunition,

(c) he has in his possession for sale or transfer any prohibited weapon or prohibited ammunition, or

(d) he purchases or acquires for sale or transfer any prohibited weapon or prohibited ammunition.**]**

[[F33](3) In this section "authority" means an authority given in writing by—

(a) the Secretary of State (in or as regards England and Wales), or

(b) the Scottish Ministers (in or as regards Scotland).**]**

(4) **[**[F34]An authority shall be subject to conditions specified in it, including such as the Secretary of State or the Scottish Ministers (as appropriate)**]**, having regard to the circumstances of each particular case, think fit to impose for the purpose of securing that the prohibited weapon or ammunition to which the authority relates will not endanger the public safety or the peace.

(5) It is an offence for a person to whom an authority is given under this section to fail to comply with any condition of the authority.

(6) **[**[F35]The Secretary of State or the Scottish Ministers (as appropriate) may at any time, if they think fit,**]** revoke an authority given to a person under this section by notice in writing requiring him to deliver up the authority to such person as may be specified in the notice within twenty-one days from the date of the notice; and it is an offence for him to fail to comply with that requirement.

[F36]**[**(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.**]**

[[F37](8) For the purposes of subsection (1)(aba) and (ac) above, any detachable, folding, retractable or other movable butt-stock shall be disregarded in measuring the length of any firearm.

(9) Any reference in this section to a muzzle-loading gun is a reference to a gun which is designed to be loaded at the muzzle end of the barrel or chamber with a loose charge and a separate ball (or other missile).**]**

Textual Amendments

F13 Words in s. 5(1)(1A) substituted (14.7.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), **ss. 109(1)(a)**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 6(b); S.I. 2014/949, art. 6(b)

F14 Words in s. 5(1) omitted (14.7.2014) by virtue of Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), **ss. 108(2)(a)**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 6(a)

F15 S. 5(1)(a)–(ae) substituted for s. 5(1)(a) by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), **s. 1(2)**

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F16 Word in s. 5(1)(ab) substituted (1.7.1997) by 1997 c. 5, **s. 1(3)**; S.I. 1997/1535, art. 3, **Sch. Pt. I** (with art. 5)

F17 S. 5(1)(aba) inserted (1.7.1997) by 1997 c. 5, **s. 1(2)**; S.I. 1997/1536, **art. 2**

F18 Words in s. 5(1)(aba) repealed (1.2.1998) by 1997 c. 64, ss. 1, 2(7), **Sch.**; S.I. 1997/3114, art. 4, **Sch. Pt. II** (with art. 5)

F19 Words in s. 5(1)(ac) inserted (1.7.1997) by 1997 c. 5, **s. 1(4)**; S.I. 1997/1535, art. 3, **Sch. Pt. I**

F20 Words in s. 5(1)(ac) repealed (1.7.1997) by 1997 c. 5, s. 52(2), **Sch. 3**; S.I. 1997/1535, art. 3, **Sch. Pt. I**

F21 Words in s. 5(1)(ad) substitute4 (1.7.1997) by 1997 c. 5, **s. 1(5)**; S.I. 1997/1535, art. 3, **Sch. Pt. I**

F22 S. 5(1)(af) inserted (20.1.2004 for certain purposes and 30.4.2004 in so far as not already in force) by Anti-social Behaviour Act 2003 (c. 38), **ss. 39(3)-(5)**, 93; S.I. 2003/3300, **arts 2(c)(iii)**, **5**

F23 S. 5(1)(ag) inserted (16.5.2019 for specified purposes) by Offensive Weapons Act 2019 (c. 17), **ss. 54(2)**, 70(1)(5)(d)

F24 S. 5(1)(ba) substituted for word in s. 5(1)(b) (16.5.2019 for specified purposes) by Offensive Weapons Act 2019 (c. 17), **ss. 54(3)**, 70(1)(5)(e)

F25 S. 5(1)(c) substituted by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), **s. 1(3)**

F26 S. 5(1A) inserted (1.1.1993) by S.I. 1992/2823, **reg. 3(1)**

F27 Words in s. 5(1A) omitted (14.7.2014) by virtue of Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), **ss. 108(2)(b)**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 6(a)

F28 S. 5(1A)(f) substituted (31.1.2017 for specified purposes, 2.5.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 129(2)**, 183(1)(5)(e); S.I. 2017/399, reg. 4(e)

F29 Words in s. 5(2) substituted (1.1.1993) by S.I. 1992/2823, **reg. 3(2)**

F30 Words in s. 5(2) inserted (16.5.2019 for specified purposes) by Offensive Weapons Act 2019 (c. 17), **ss. 54(4)**, 70(1)(5)(f)

F31 S. 5(2A) inserted (14.7.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), **ss. 108(3)**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 6(a)

F32 Word in s. 5(2A)(a) inserted (16.5.2019) by Offensive Weapons Act 2019 (c. 17), **ss. 54(5)**, 70(5)(g)

F33 S. 5(3) substituted (14.7.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), **ss. 108(4)**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 6(a)

F34 Words in s. 5(4) substituted (14.7.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), **ss. 109(1)(b)**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 6(b)

F35 Words in s. 5(6) substituted (14.7.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), **ss. 109(1)(c)**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 6(b)

F36 S. 5(7) inserted (1.1.1993) by S.I. 1992/2823, **reg. 3(3)**

F37 S. 5(8)(9) inserted (1.7.1997) by 1997 c. 5, **s. 1(6)**; S.I. 1997/1535, art. 3, **Sch. Pt. I**

Modifications etc. (not altering text)

C8 S. 5: transfer of certain functions (1.11.1968) by S.I.1968/1200, **art. 2**

C9 S. 5 amended (1.7.1997) by 1997 c. 5, **s. 1(7)**; S.I. 1997/1535, art. 3, **Sch. Pt. I**

C10 S. 5: transfer of certain functions (S.) (1.7.1999) by S.I. 1999/1750, art. 2, **Sch. 1**; S.I. 1998/3178, **art. 3** (as amended (14.7.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), **ss. 109(4)(a)**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 6(b))

C11 S. 5 excluded (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), **ss. 126(5)**, 183(1)(5)(e) (with s. 126(4)(8))

C12 Power to amend s. 5(1) conferred by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), **s. 1(4)**

C13 S. 5(1)(aba) amended (1.7.1997) by 1997 c. 5, **ss. 1(8)**, 2, 3, 4, 5, 6, 7(1)(3); S.I. 1997/1535, art. 3, **Sch. Pt. I**

S. 5(1)(aba)(b)(c) amended (1.7.1997) by 1997 c. 5, **ss. 1(8)**, 8; S.I. 1997/1535, art. 3, **Sch. Pt. I**

C14 S. 5(2A) amended by 1997 c. 5 s. 1(7A)(7B) (as inserted) (14.7.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), **ss. 108(9)**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 6(a)

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[F38 5A Exemptions from requirement of authority under s.5.

(1) Subject to subsection (2) below, the authority of the Secretary of State [F39 or the Scottish Ministers] shall not be required by virtue of F40... section 5 of this Act for any person to have in his possession, or to purchase, acquire, sell or transfer, [F41 any weapon, ammunition or missile specified in subsection (1A) of that section] 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 [F42 or the Scottish Ministers] 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 [F42 or the Scottish Ministers] .

(3) The authority of the Secretary of State [F43 or the Scottish Ministers] shall not be required by virtue of F44... section 5 of this Act for any person to have in his possession, or to purchase or acquire, [F45 any weapon, ammunition or missile specified in subsection (1A) of that section] 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 [F43 or the Scottish Ministers] shall not be required by virtue of F46... section 5 of this Act for any person to have in his possession, or to purchase or acquire [F47, or to sell or transfer,], any expanding ammunition or the missile for any such ammunition if—
- F48 [(a) he is authorised by a firearm certificate or visitor's firearm permit to possess, or purchase or acquire, any expanding ammunition; and
- (b) the certificate or permit is subject to a condition restricting the use of any expanding ammunition to use in connection with any one or more of the following, namely—
  - (i) the lawful shooting of deer;
  - (ii) the shooting of vermin or, in the course of carrying on activities in connection with the management of any estate, other wildlife;
  - (iii) the humane killing of animals;
  - (iv) the shooting of animals for the protection of other animals or humans.]

(5) The authority of the Secretary of State [F49 or the Scottish Ministers] shall not be required by virtue of F46... 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

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(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 **[**[F49]or the Scottish Ministers**]** shall not be required by virtue of [F50]... 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 **[**[F51]or the Scottish Ministers (as appropriate)**]** .

[F52]**[** The authority of the Secretary of State **[**[F53]or the Scottish Ministers**]** shall not be (7) required by virtue of [F50]... 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 in the ordinary course of that business.**]**

(8) In this section—

(a) references to expanding ammunition are references to any ammunition which **[**[F54]is designed to be used with a pistol and**]**[F55]. . . 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 ammuni tion, falls within section 5(1A)(g) of this Act.**]**

Textual Amendments

F38 S. 5A inserted (1.1.1993) by S.I. 1992/2823, **reg. 3(4)**

F39 Words in s. 5A(1) substituted (14.7.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), **ss. 109(2)(a)**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 6(b)

F40 Words in s. 5A(1) omitted (14.7.2014) by virtue of Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), **ss. 108(5)(a)**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 6(a)

F41 Words in s. 5A(1) substituted (14.7.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), **ss. 108(5)(b)**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 6(a)

F42 Words in s. 5A(2)(a)(b) substituted (14.7.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), **ss. 109(2)(a)**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 6(b)

F43 Words in s. 5A(3)(4) substituted (14.7.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), **ss. 109(2)(a)**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 6(b); S.I. 2014/949, art. 6(b)

F44 Words in s. 5A(3) omitted (14.7.2014) by virtue of Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), **ss. 108(5)(a)**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 6(a)

F45 Words in s. 5A(3) substituted (14.7.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), **ss. 108(5)(b)**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 6(a)

F46 Words in s. 5A(4)(5) omitted (14.7.2014) by virtue of Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), **ss. 108(5)(a)**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 6(a); S.I. 2014/949, art. 6(a)

F47 Words in s. 5A(4) inserted (1.7.1997) by 1997 c. 5, **s. 10(2)(a)**; S.I. 1997/1535, art. 3(b), **Sch. Pt. I**

F48 S. 5A(4)(a)(b) substituted (1.7.1997) by 1997 c. 5, **s. 10(2)(b)**; S.I. 1997/1535, art. 3(b), **Sch. Pt. I**

F49 Words in s. 5A(5)(6) substituted (14.7.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), **ss. 109(2)(a)**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 6(b); S.I. 2014/949, art. 6(b)

F50 Words in s. 5A(6)(7) omitted (14.7.2014) by virtue of Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), **ss. 108(5)(a)**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 6(a); S.I. 2014/949, art. 6(a)

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F51 Words in s. 5A(6) substituted (14.7.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), **ss. 109(2)(b)**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 6(b)

F52 S. 5A(7) substituted (1.7.1997) by 1997 c. 5, **s. 10(7)**; S.I. 1997/1535, art. 3(b), **Sch. Pt. I**

F53 Words in s. 5A(7) substituted (14.7.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), **ss. 109(2)(a)**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 6(b)

F54 Words in s. 5A(8)(a) inserted (31.1.2017 for specified purposes, 2.5.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 129(3)**, 183(1)(5)(e); S.I. 2017/399, reg. 4(e)

F55 Words in s. 5A(8) repealed (1.7.1997) by 1997 c. 5, **s. 10(8)**; S.I. 1997/1535, art. 3(b), **Sch. Pt. I**

6 Power to prohibit movement of arms and ammunition.

(1) The Secretary of State may by order prohibit the removal of firearms or ammunition—

(a) from one place to another in Great Britain; or

[[F56](b) from Great Britain to Northern Ireland; or**]**

(c) for export from Great Britain,

unless the removal is authorised by the chief officer of police for the area from which they are to be removed, and unless such other conditions as may be specified in the order are complied with.

[[F57](1A) The Secretary of State may by order prohibit the removal of firearms or ammunition from Great Britain to Northern Ireland unless—

(a) the removal is authorised by the chief officer of police for the area from which they are to be removed and by the Chief Constable of the Royal Ulster Constabulary; and

(b) such conditions as may be specified in the order or imposed by the chief officer of police or the Chief Constable are complied with.**]**

(2) An order under this section may apply—

(a) either generally to all such removals, or to removals from and to particular localities specified in the order; and

(b) either to all firearms and ammunition or to firearms and ammunition of such classes and descriptions as may be so specified; and

(c) either to all modes of conveyance or to such modes of conveyance as may be so specified;

but no such order shall prohibit the holder of a firearm certificate from carrying with him any firearm or ammunition authorised by the certificate to be so carried.

(3) It is an offence to contravene any provision of—

(a) an order made under this section; or

(b) an order made under section 9 of the [M1]Firearms Act 1920 (the former enactment corresponding to section 18 of the [M2]Firearms Act 1937 and this section); or

(c) any corresponding Northern Irish order, that is to say an order made under the said section 9 as extending to Northern Ireland or under any enactment of the Parliament of Northern Ireland repealing and re-enacting that section, prohibiting the removal of firearms or ammunition from Northern Ireland to Great Britain.

(4) An order under this section shall be made by statutory instrument and may be varied or revoked by a subsequent order made thereunder by the Secretary of State.

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Textual Amendments

F56 S. 6(1)(b) (which is superseded by a new subsection (1A)) repealed (2.4.1991) by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), **s. 20(2)(3)**

F57 S. 6(1A) inserted (2.4.1991) by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), **s. 20(2)**

Marginal Citations

M1 1920 c. 43.

M2 1937 c. 12.

Special exemptions from sections 1 to 5

7 Police permit.

(1) A person who has obtained from the chief officer of police for the area in which he resides a permit for the purpose in the prescribed form may, without holding a certificate under this Act, have in his possession a firearm and ammunition in accordance with the terms of the permit.

(2) It is an offence for a person **[**[F58]knowingly or recklessly to make a statement false in any material particular**]** for the purpose of procuring, whether for himself or for another person, the grant of a permit under this section.

Textual Amendments

F58 Words in s. 7(2) substituted (1.7.1997) by 1997 c. 5, s. 52(1), **Sch. 2 para. 2(2)**; S.I. 1997/1535, art. 3(b), **Sch. Pt. I**

8 Authorised dealing with firearms.

(1) A person carrying on the business of a firearms dealer and registered as such under this Act, or a servant of such a person may, without holding a certificate, have in his possession, or purchase or acquire, a firearm or ammunition in the ordinary course of that business.

[[F59](1A) Subsection (1) above applies to the possession, purchase or acquisition of a firearm or ammunition in the ordinary course of the business of a firearms dealer notwithstanding that the firearm or ammunition is in the possession of, or purchased or acquired by, the dealer or his servant at a place which is not a place of business of the dealer or which he has not registered as a place of business under section 33 or 37 of this Act.**]**

(2) It is not an offence under section 3(2) of this Act for a person—

(a) to part with the possession of any firearm or ammunition, otherwise than in pursuance of a contract of sale or hire or by way of gift or loan, to a person who shows that he is by virtue of this Act entitled to have possession of the firearm or ammunition without holding a certificate; or

(b) to return to another person a shot gun which he has lawfully undertaken to repair, test or prove for the other.

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Textual Amendments

F59 S. 8(1A) inserted (1.7.1997) by 1997 c. 5, **s. 42(1)**; S.I. 1997/1535, art. 3(b), **Sch. Pt. I**

9 Carriers, auctioneers, etc.

(1) A person carrying on the business of an auctioneer, carrier or warehouseman, or a servant of such a person, may, without holding a certificate, have in his possession a firearm or ammunition in the ordinary course of that business.

(2) It is not an offence under section 3(1) of this Act for an auctioneer to sell by auction, expose for sale by auction or have in his possession for sale by auction a firearm or ammunition without being registered as a firearms dealer, if he has obtained from the chief officer of police for the area in which the auction is held a permit for that purpose in the prescribed form and complies with the terms of the permit.

(3) It is an offence for a person **[**[F60]knowingly or recklessly to make a statement false in any material particular**]** for the purpose of procuring, either for himself or for another person, the grant of a permit under subsection (2) of this section.

(4) It is not an offence under section 3(2) of this Act for a carrier or warehouseman, or a servant of a carrier or warehouseman, to deliver any firearm or ammunition in the ordinary course of his business or employment as such.

Textual Amendments

F60 Words in s. 9(3) substituted (1.7.1997) by 1997 c. 5, s. 52(1), **Sch. 2**, para. 2(2); S.I. 1997/1535, art. 3(b), **Sch. Pt. I**

10 Slaughter of animals.

(1) **[**[F61]**[**[F62]A person holding a relevant licence may,**]** without holding a certificate under this Act,**]** have in his possession a slaughtering instrument and ammunition therefor in any slaughterhouse or knacker's yard in which he is employed.

[[F63](1A) [F64]. . . . . **]**.

[[F65](1B) For the purposes of subsection (1), a person holds a relevant licence if that person—

(a) holds a certificate of competence or licence to kill animals under the Welfare of Animals at the Time of Killing (England) Regulations 2015,

(b) holds a certificate of competence or licence to kill animals under the Welfare of Animals at the Time of Killing (Wales) Regulations 2014, or

(c) holds a certificate of competence to kill animals under the Welfare of Animals at the Time of Killing (Scotland) Regulations 2012.**]**

(2) The proprietor of a slaughterhouse or knacker's yard or a person appointed by him to take charge of slaughtering instruments and ammunition therefor for the purpose of storing them in safe custody at that slaughterhouse or knacker's yard may, without holding a certificate, have in his possession a slaughtering instrument or ammunition therefor for that purpose.

[[F66](3) In subsection (1), a "relevant certificate of competence or licence" means—

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(a) a certificate of competence or licence to kill animals under the Welfare of Animals at the Time of Killing Regulations 2014;

(b) a certificate of competence or licence to kill animals under the Welfare of Animals at the Time of Killing (Wales) Regulations 2014; or

(c) a certificate of competence to kill animals under the Welfare of Animals at the Time of Killing (Scotland) Regulations 2012.**]**

Textual Amendments

F61 Words in s. 10(1) substituted (20.5.2014) by The Welfare of Animals at the Time of Killing Regulations 2014 (S.I. 2014/1240), reg. 1(4), **Sch. 6 para. 1(2)(a)**

F62 Words in s. 10(1) substituted (5.11.2015) by The Welfare of Animals at the Time of Killing (England) Regulations 2015 (S.I. 2015/1782), reg. 1(4), **Sch. 6 para. 1(2)**

F63 S. 10(1A) inserted (W.) (5.9.2014) by The Welfare of Animals at the Time of Killing (Consequential Amendments) (Wales) Regulations 2014 (S.I. 2014/2124), regs. 1(c), **2(1)(b)**

F64 S. 10(1A) omitted (5.11.2015) by virtue of The Welfare of Animals at the Time of Killing (England) Regulations 2015 (S.I. 2015/1782), reg. 1(4), **Sch. 6 para. 1(3)**

F65 S. 10(1B) inserted (5.11.2015) by The Welfare of Animals at the Time of Killing (England) Regulations 2015 (S.I. 2015/1782), reg. 1(4), **Sch. 6 para. 1(4)**

F66 S. 10(3) inserted (20.5.2014) by The Welfare of Animals at the Time of Killing Regulations 2014 (S.I. 2014/1240), reg. 1(4), **Sch. 6 para. 1(2)(b)**

11 Sports, athletics and other approved activities.

(1) A person carrying a firearm or ammunition belonging to another person holding a certificate under this Act may, without himself holding such a certificate, have in his possession that firearm or ammunition under instructions from, and for the use of, that other person for sporting purposes only **[**[F67]; but where the person carrying the firearm or ammunition is under the age of eighteen, this subsection applies only if the other person is of or over the age of eighteen**]** .

(2) A person **[**[F68]of or over the age of eighteen**]** may, without holding a certificate, have a firearm in his possession at an athletic meeting for the purpose of starting races at that meeting.

[F69](3) . . . . . .

(4) A person conducting or carrying on a miniature rifle range (whether for a rifle club or otherwise) or shooting gallery at which no firearms are used other than air weapons or miniature rifles not exceeding ·23 inch calibre may, without holding a certificate, have in his possession, or purchase or acquire, such miniature rifles and ammunition suitable therefor; and any person may, without holding a certificate, use any such rifle and ammunition at such a range or gallery.

[F70](5) . . . . . .

(6) A person may, without holding a shot gun certificate, use a shot gun at a time and place approved for shooting at artificial targets by the chief officer of police for the area in which that place is situated.

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Textual Amendments

F67 Words in s. 11(1) inserted (28.7.2010) by Firearms (Amendment) Regulations 2010 (S.I. 2010/1759), regs. 1(2), **2(2)(a)**

F68 Words in s. 11(2) inserted (28.7.2010) by Firearms (Amendment) Regulations 2010 (S.I. 2010/1759), regs. 1(2), **2(2)(b)**

F69 S. 11(3) repealed (1.4.1997) by 1996 c. 46, s. 35(2), **Sch. 7 Pt. III**; S.I. 1997/304, art. 2, **Sch. 1**

F70 S. 11(5) omitted (31.1.2017 for specified purposes, 2.5.2017 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), **ss. 130(2)(a)**, 183(1)(5)(e); S.I. 2017/399, reg. 4(f)

[F71 11A Authorised lending and possession of firearms for hunting etc

(1) A person ("the borrower") may, without holding a certificate under this Act, borrow a rifle or shot gun from another person on private premises ("the lender") and have the rifle or shot gun in his or her possession on those premises if—
  (a) the four conditions set out in subsections (2) to (5) are met, and
  (b) in the case of a rifle, the borrower is aged 17 or over.

(2) The first condition is that the borrowing and possession of the rifle or shot gun are for either or both of the following purposes—
  (a) hunting animals or shooting game or vermin;
  (b) shooting at artificial targets.

(3) The second condition is that the lender—
  (a) is aged 18 or over,
  (b) holds a certificate under this Act in respect of the rifle or shot gun, and
  (c) is either—
    (i) a person who has a right to allow others to enter the premises for the purposes of hunting animals or shooting game or vermin, or
    (ii) a person who is authorised in writing by a person mentioned in sub-paragraph (i) to lend the rifle or shot gun on the premises (whether generally or to persons specified in the authorisation who include the borrower).

(4) The third condition is that the borrower's possession and use of the rifle or shot gun complies with any conditions as to those matters specified in the lender's certificate under this Act.

(5) The fourth condition is that, during the period for which the rifle or shot gun is borrowed, the borrower is in the presence of the lender or—
  (a) where a rifle is borrowed, a person who, although not the lender, is aged 18 or over, holds a certificate under this Act in respect of that rifle and is a person described in subsection (3)(c)(i) or (ii);
  (b) where a shot gun is borrowed, a person who, although not the lender, is aged 18 or over, holds a certificate under this Act in respect of that shot gun or another shot gun and is a person described in subsection (3)(c)(i) or (ii).

(6) Where a rifle is borrowed on any premises in reliance on subsection (1), the borrower may, without holding a firearm certificate, purchase or acquire ammunition on the premises, and have the ammunition in his or her possession on those premises for the period for which the firearm is borrowed, if—

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(a) the ammunition is for use with the firearm,

(b) the lender's firearm certificate authorises the lender to have in his or her possession during that period ammunition of a quantity not less than that purchased or acquired by, and in the possession of, the borrower, and

(c) the borrower's possession and use of the ammunition complies with any conditions as to those matters specified in the certificate.**]**

Textual Amendments

F71 S. 11A inserted (31.1.2017 for specified purposes, 2.5.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 130(1)**, 183(1)(5)(e); S.I. 2017/399, reg. 4(f)

12 Theatre and cinema.

(1) A person taking part in a theatrical performance or a rehearsal thereof, or in the production of a cinematograph film, may, without holding a certificafe, have a firearm in his possession during and for the purpose of the performance, rehearsal or production.

(2) Where the Defence Council is satisfied, on the application of a person in charge of a theatrical performance, a rehearsal of such a performance or the production of a cinematograph film, that **[**[F72]a prohibited weapon**]** is required for the purpose of the performance, rehearsal or production, **[**he**]** may under section 5 of this Act, if **[**he thinks**]** fit, not only authorise that person to have possession of **[**[F72]the weapon**]** but also authorise such other persons as he may select to have possession of it while taking part in the performance, rehearsal or production.

Textual Amendments

F72 Words substituted by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), **s. 23(2)**

Modifications etc. (not altering text)

C15 S. 12(2): transfer of certain functions (S.) (1.7.1999) by S.I. 1999/1750, art. 2, **Sch. 1**; S.I. 1998/3178, **art. 3**

C16 S. 12(2): transfer of functions by S.I. 1968/1200, **art. 2**

13 Equipment for ships and aircraft.

(1) A person may, without holding a certificate,—

(a) have in his possession a firearm or ammunition on board a ship, or a signalling apparatus or ammunition therefor on board an aircraft or at an aerodrome, as part of the equipment of the ship, aircraft or aerodrome;

(b) remove a signalling apparatus or ammunition therefor, being part of the equipment of an aircraft, from one aircraft to another at an aerodrome, or from or to an aircraft at an aerodrome to or from a place appointed for the storage thereof in safe custody at that aerodrome, and keep any such apparatus or ammunition at such a place; and

(c) if he has obtained from **[**[F73]a constable**]** a permit for the purpose in the prescribed form, remove a firearm from or to a ship, or a signalling apparatus

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from or to an aircraft or aerodrome, to or from such place and for such purpose as may be specified in the permit.

(2) It is an offence for a person **[**[F74]knowingly or recklessly to make a statement false in any material particular**]** for the purpose of procuring, either for himself or for another person, the grant of a permit under subsection (1)(c) of this section.

Textual Amendments

F73 Words substituted by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), **s. 23(3)**

F74 Words in s. 13(2) substituted (1.7.1997) by 1997 c. 5, s. 52(1), **Sch. 2(2)**; S.I. 1997/1535, art. 3(b), **Sch. Pt. I**

14 . . . . . [F75]

Textual Amendments

F75 S. 14 repealed by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), **s. 23(7)**

15 Holder of Northern Irish certificate.

Section 2(1) of this Act does not apply to a person holding a firearm certificate issued in Northern Ireland authorising him to possess a shot gun.

Prevention of crime and preservation of public safety

16 Possession of firearm with intent to injure.

It is an offence for a person to have in his possession any firearm or ammunition with intent by means thereof to endanger life **[**[F76]or cause serious injury to property**]**, or to enable another person by means thereof to endanger life **[**[F76]or cause serious injury to property**]**, whether any injury **[**[F76]to person or property**]** has been caused or not.

Textual Amendments

F76 Words repealed by (E.W.) Criminal Damage Act 1971 (c. 48), **Sch. Pt.I**

[[F77]**16A Possession of firearm with intent to cause fear of violence.**

It is an offence for a person to have in his possession any firearm or imitation firearm with intent—

(a) by means thereof to cause, or

(b) to enable another person by means thereof to cause,

any person to believe that unlawful violence will be used against him or another person.**]**

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Textual Amendments

F77 S. 16A inserted (21.9.1994) by 1994 c. 31, **ss. 1(1)**, 4(2) (with s. 4(3))

17 Use of firearm to resist arrest.

(1) It is an offence for a person to make or attempt to make any use whatsoever of a firearm or imitation firearm with intent to resist or prevent the lawful arrest or detention of himself or another person.

(2) If a person, at the time of his committing or being arrested for an offence specified in Schedule 1 to this Act, has in his possession a firearm or imitation firearm, he shall be guilty of an offence under this subsection unless he shows that he had it in his possession for a lawful object.

(3) . . . . . [F78]

(4) For purposes of this section, the definition of "firearm" in section 57(1) of this Act shall apply without paragraphs (b) and (c) of that subsection, and "imitation firearm" shall be construed accordingly.

(5) In the application of this section to Scotland, a reference to Schedule 2 to this Act shall be substituted for the reference in subsection (2) to Schedule 1 . . . [F79]

Textual Amendments

F78 S. 17(3) repealed by Theft Act 1968 (c. 60), **Sch. 3 Pt. III**

F79 Words repealed by Theft Act 1968 (c. 60), **Sch. 3 Pt. III**

Modifications etc. (not altering text)

C17 S. 17(2) applied (E.W.)(31.10.1991) by Criminal Justice Act 1991 (c. 53, SIF 39:1), **s.90(2)**; S.I. 1991/2208, art. 2(4), **Sch.3**.

18 Carrying firearm with criminal intent.

(1) It is an offence for a person to have with him a firearm or imitation firearm with intent to commit an indictable offence, or to resist arrest or prevent the arrest of another, in either case while he has the firearm or imitation firearm with him.

(2) In proceedings for an offence under this section proof that the accused had a firearm or imitation firearm with him and intended to commit an offence, or to resist or prevent arrest, is evidence that he intended to have it with him while doing so.

(3) In the application of this section to Scotland, for the reference to an indictable offence there shall be substituted a reference to any offence specified in paragraphs 1 to 18 of Schedule 2 to this Act.

19 Carrying firearm in a public place.

A person commits an offence if, without lawful authority or reasonable excuse (the proof whereof lies on him) he has with him in a public place

[[F80](a) a loaded shot gun,

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(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.**]**

Textual Amendments

F80 S. 19(a)-(d) substituted for words (20.1.2004) by Anti-social Behaviour Act (2003 c. 38), ss. {37(1)}, 93; S.I. 2003/3300, **art. 2(c)(i)**

20 Trespassing with firearm.

(1) A person commits an offence if, while he has a firearm **[**[F82]or imitation firearm**]** with him, he enters or is in any building or part of a building as a trespasser and without reasonable excuse (the proof whereof lies on him).

(2) A person commits an offence if, while he has a firearm **[**[F82]or imitation firearm**]** with him, he enters or is on any land as a trespasser and without reasonable excuse (the proof whereof lies on him).

(3) In subsection (2) of this section the expression "land" includes land covered with water.

Textual Amendments

F82 Words in s. 20 inserted (21.9.1994) by 1994 c. 31, **ss. 2(1)**, 4(2) (with s. 4(3))

21 Possession of firearms by persons previously convicted of crime.

(1) A person who has been sentenced **[**[F83]to custody for life or**]** to preventive detention, or to imprisonment or to corrective training for a term of three years or more **[**[F83]or to youth custody **[**[F84]or detention in a young offender institution**]** for such a term**]**, or who has been sentenced be detained for such a term in a young offenders institution in Scotland, shall not at any time have a firearm or ammunition in his possession.

(2) A person who has been sentenced . . . [F85] to imprisonment for a term of three months or more but less than three years **[**[F86]or to youth custody **[**[F87]or detention in a young offender institution**]** for such a term**]**, or who has been sentenced to be detained for such a term in a detention centre or in a young offenders institution in Scotland **[**[F88]or who has been subject to a secure training order **[**[F89]or a detention and training order**]]**, shall not at any time before the expiration of the period of five years from the date of his release have a firearm or ammunition in his possession.

[[F90](2A) For the purposes of subsection (2) above, "the date of his release" means—

(a) in the case of a person sentenced to imprisonment with an order under section 47(1) of the Criminal Law Act 1977 (prison sentence partly served and partly suspended), the date on which he completes service of so much of the sentence as was by that order required to be served in prison;

(b) in the case of a person who has been subject to a secure training order—

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(i) the date on which he is released from detention under the order;

(ii) the date on which he is released from detention ordered under section 4 of the Criminal Justice and Public Order Act 1994; or

(iii) the date halfway through the total period specified by the court in making the order,

whichever is the later.**]**

[[F91](c) in the case of a person who has been subject to a detention and training order—

(i) the date on which he is released from detention under the order;

(ii) the date on which he is released from detention ordered under **[**[F92]section 104 of the Powers of Criminal Courts (Sentencing) Act 2000**]**; or

(iii) the date of the half-way point of the term of the order,

whichever is the later.**]**

[F93](d) . . . . . .

[F94](2B) . . . . . .

[[F95](2C) Where—

(a) a person has been sentenced to imprisonment for a term of three months or more, and

(b) the sentence is suspended under section 189 of the Criminal Justice Act 2003,

the person shall not have a firearm or ammunition in his possession at any time during the period of five years beginning with the second day after the date on which the sentence is passed.**]**

(3) A person who—

(a) is the holder of a licence issued under section 53 of the [M3]Children and Young Persons Act 1933 or section 57 of the [M4]Children and Young Persons (Scotland) Act 1937 (which sections provide for the detention of children and young persons convicted of serious crime, but enable them to be discharged on licence by the Secretary of State); or

(b) is subject to a recognizance to keep the peace or to be of good behaviour, a condition of which is that he shall not possess, use or carry a firearm, or is subject to a **[**[F96]community order**]** containing a requirement that he shall not possess, use or carry a firearm; or

(c) has, in Scotland, been ordained to find caution a condition of which is that he shall not possess, use or carry a firearm;

shall not, at any time during which he holds the licence or is so subject or has been so ordained, have a firearm or ammunition in his possession.

[[F97](3ZA) In subsection (3)(b) above, "community order" means—

(a) a community order within the meaning of Part 12 of the Criminal Justice Act 2003 **[**[F98], or a youth rehabilitation order within the meaning of Part 1 of the Criminal Justice and Immigration Act 2008,**]** made in England and Wales, or

[[F99](b) a community payback order under section 227A of the Criminal Procedure (Scotland) Act 1995 (c.46).**]**

[[F100](3A) Where by section 19 of the Firearms Act (Northern Ireland) 1969, or by any other enactment for the time being in force in Northern Ireland and corresponding to this section, a person is prohibited in Northern Ireland from having a firearm or ammunition in his possession, he shall also be so prohibited in Great Britain at any

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time when to have it in his possession in Northern Ireland would be a contravention of the said section 19 or corresponding enactment**]**;

(4) It is an offence for a person to contravene any of the foregoing provisions of this section.

(5) It is an offence for a person to sell or transfer a firearm or ammunition to, or to repair, test or prove a firearm or ammunition for, a person whom he knows or has reasonable ground for believing to be prohibited by this section from having a firearm or ammunition in his possession.

(6) A person prohibited under subsection (1), (2) [F101]... **[**[F102](2C),**][**[F103](3) or (3A)**]** of this section from having in his possession a firearm or ammunition may apply to **[**[F104]the Crown Court**]** or, in Scotland, in accordance with Act of Sederunt to the sheriff for a removal of the prohibition; and if the application is granted that prohibition shall not then apply to him.

(7) Schedule 3 to this Act shall have effect with respect to the courts with jurisdiction to entertain an application under this section and to the procedure appertaining thereto.**]**

Textual Amendments

F83 Words inserted by Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 77, **Sch. 14 para. 24**(*a*)

F84 Words inserted (E.W.) by Criminal Justice Act 1988 (c. 33, SIF 39:1), ss. 123(6), Sch. 8 paras. 6, **16**

F85 Words repealed by Criminal Justice Act 1988 (c. 33, SIF 39:1), ss. 123(6), 170(2), Sch. 8 para. 16, **Sch. 16**

F86 Words inserted by Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 77, **Sch. 14 para. 24**(*b*)

F87 Words inserted (E.W.) by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 123(6), Sch. 8 paras. 6, **16**

F88 Words in s. 21(2) inserted (1.3.1998) by 1994 c. 33, s. 168(2), **Sch. 10 para. 24(2)(a)**; S.I. 1998/277, **art. 3(2)**

F89 Words in s. 21(2) inserted (1.4.2000) by 1998 c. 37, s. 119, **Sch. 8 para. 14(1)**; S.I. 1999/3426, **art. 3(b)**

F90 S. 21(2A) substituted (1.3.1998) by 1994 c. 33, s. 168(2), **Sch. 10 para. 24(2)(b)**; S.I. 1998/277, **art. 3(2)**

F91 S. 21(2A)(c) inserted (1.4.2000) by 1998 c. 37, s. 119, **Sch. 8 para. 14(2)**; S.I. 1999/3426, **art. 3(b)**

F92 Words in s. 21(2A)(c)(ii) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168, **Sch. 9 para. 31**

F93 S. 21(2A)(d) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 10 para. 3(a)**; S.I. 2012/2906, art. 2(h)

F94 S. 21(2B) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 10 para. 3(b)**; S.I. 2012/2906, art. 2(h)

F95 S. 21(2C) inserted (14.7.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), **ss. 110(1)**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 6(c)

F96 Words in S. 21(3)(b) substituted (4.4.2005) by Criminal Justice Act 2003 (c. 44), ss. 304, 336, **Sch. 32 para. 12(4)**; S.I. 2005/950, **art. 2(1)** (subject to art. 2(2), Sch. 2)

F97 S. 21(3ZA) inserted (4.4.2005) by Criminal Justice Act 2003 (c. 44), ss. 304, 336, **Sch. 32 para. 12(5)**; S.I. 2005/950, **art. 2(1)** (subject to art. 2(2), Sch. 2)

F98 Words in s. 21(3ZA)(a) inserted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 6** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(iii)

F99 S. 21(3ZA)(b) substituted (1.2.2011) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), s. 206(1), **sch. 2 para. 30(2)**; S.S.I. 2010/413, art. 2, sch. (with art. 3(1))

F100 S. 21(3A) inserted by Criminal Justice Act 1972 (c. 71), **ss. 29**, 66(7)(a)

F101 Word in s. 21(6) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 10 para. 3(c)**; S.I. 2012/2906, art. 2(h)

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F102 Word in s. 21(6) inserted (19.9.2014) by The Anti-social Behaviour, Crime and Policing Act 2014 (Consequential Amendments) Order 2014 (S.I. 2014/2522), arts. 1, **2(2)**
F103 Words substituted by Criminal Justice Act 1972 (c. 71), **ss. 29**, 66(7)(a)
F104 Words substituted by Courts Act 1971 (c. 23), s. 56(2), **Sch. 9 Pt. II**

Marginal Citations
M3 1933 c. 12.
M4 1937 c. 37.

PROSPECTIVE

[F105 21A Firing an air weapon beyond premises

(1) A person commits an offence if—
(a) he has with him an air weapon on any premises; and
(b) he uses it for firing a missile beyond those premises.

F106 (1A) [A person commits an offence if the person—
(a) is supervising the use and possession of an air weapon on private premises by a person under the age of 18, and
(b) allows the supervised person to fire any missile beyond those premises.]

(2) In proceedings against a person for an offence under this section it shall be a defence for him to show that the only premises into or across which the missile was fired were premises the occupier of which had consented to the firing of the missile (whether specifically or by way of a general consent).]

Textual Amendments
F105 S. 21A inserted (1.10.2007) by Violent Crime Reduction Act 2006 (c. 38), **ss. 34(2)**, 66(2); S.I. 2007/2180, **art. 3(d)**
F106 S. 21A(1A) inserted (S.) (31.12.2016) by Air Weapons and Licensing (Scotland) Act 2015 (asp 10), s. 88(2), **sch. 2 para. 1(3)**; S.S.I. 2016/130, art. 3(c)

[F107 22 Acquisition and possession of firearms by minors.

(1) [F108 It is an offence for a person under the age of eighteen to purchase or hire any firearm or ammunition.]

F109 [(1A) Where a person under the age of eighteen is entitled, as the holder of a certificate under this Act, to have a firearm in his possession, it is an offence for that person to use that firearm for a purpose not authorised by the European weapons directive.]

(2) It is an offence for a person under the age of fourteen to have in his possession any firearm or ammunition to which section 1 of this Act applies, except in circumstances where under section 11(1), (3) or (4) of this Act [F110 or section 15 of the Firearms (Amendment) Act 1988] he is entitled to have possession of it without holding a firearm certificate.

(3) It is an offence for a person under the age of fifteen to have with him an assembled shot gun except while under the supervision of a person of or over the age of twenty-

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one, or while the shot gun is so covered with a securely fastened gun cover that it cannot be fired.

(4) **[**[F111]Subject to section 23 below, it is an offence for a person under the age of **[**[F112]eighteen**]** to have with him an air weapon or ammunition for an air weapon.**]**

(5) [F113]. . . . . .**]**

Textual Amendments

F107 S. 22(1) substituted (1.10.2007) by Violent Crime Reduction Act 2006 (c. 38), **ss. 33(2)**, s. 66(2); S.I. 2007/2180, **art. 3(c)**

F108 S. 22(1) substituted (28.7.2010) by Firearms (Amendment) Regulations 2010 (S.I. 2010/1759), regs. 1(2), **2(3)**

F109 S. 22(1A) inserted (1.1.1993) by S.I. 1992/2823, **reg. 4(1)**

F110 S. 22(2): Words inserted by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), **s. 23(4)** [Editorial Note: the amending section provides that the insertion is to be made after the words "of this Act". Those words appear twice in s. 22(2), but the sense of the subsection as amended seems to require that the insertion should be made after the second occurrence of those words.]

F111 S. 22(4) repealed (S.) (31.12.2016) by Air Weapons and Licensing (Scotland) Act 2015 (asp 10), s. 88(2), **sch. 2 para. 1(4)**; S.S.I. 2016/130, art. 3(c)

F112 Word substituted (1.10.2007) by Violent Crime Reduction Act 2006 (c. 38), **ss. 33(3)**, 66(2); S.I. 2007/2180, **art. 3(c)**

F113 S. 22(5) repealed (20.1.2004) by Anti-social Behaviour Act 2003 (2003 c. 38), **ss. 38(2)(b)**, 93, **Sch. 3**: S.I. 2003/3300, **art. 2(c)(ii)**

[[F114]**23 [**[F115]**Exceptions from s. 22(4)].**

(1) It is not an offence under section 22(4) of this Act for a person to have with him an air weapon or ammunition while he is under the supervision of a person of or over the age of twenty-one; but where a person has with him an air weapon on any premises in circumstances where he would be prohibited from having it with him but for this subsection, it is an offence **[**[F116]for the person under whose supervision he is to allow him to use it for firing any missile beyond those premises.**]**.

[[F117](1A) In proceedings against a person for an offence under subsection (1) it shall be a defence for him to show that the only premises into or across which the missile was fired were premises the occupier of which had consented to the firing of the missile (whether specifically or by way of a general consent).**]**

(2) It is not an offence under section 22(4) [F118]... of this Act for a person to have with him an air weapon or ammunition at a time when—

(a) being a member of a rifle club or miniature rifle club for the time being approved by the Secretary of State for the purposes of this section or **[**[F119]section 15 of the Firearms (Amendment) Act 1988**]**, he is engaged as such a member [F120]... in connection with **[**[F121]target shooting**]**; or

(b) he is using the weapon or ammunition at a shooting gallery where the only firearms used are either air weapons or miniature rifles not exceeding ·23 inch calibre.

[[F122](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.

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[F123](4) . . . . . .]]

Textual Amendments

F114 S. 23 repealed (S.) (31.12.2016) by Air Weapons and Licensing (Scotland) Act 2015 (asp 10), s. 88(2), **sch. 2 para. 1(5)**; S.S.I. 2016/130, art. 3(c)

F115 S. 23 heading substituted (20.1.2004) by virtue of Anti-social Behaviour Act 2003 (c. 38), **ss. 38(3)**, 93; S.I. 2003/3300, **art. 2(c)(ii)**

F116 S. 23(1): words substituted (1.10.2007) for s. 23(1)(a)(b) by Violent Crime Reduction Act 2006 (c. 38), ss. {34(3)(a)}, 66(2); S.I. 2007/2180, **art. 3(d)**

F117 S. 23(1A) inserted (1.10.2007) by Violent Crime Reduction Act 2006 (c. 38), **ss. 34(3)(b)**, 66(2); S.I. 2007/2180, **art. 3(d)**

F118 Words in s. 23(2) repealed (20.1.2004) by Anti-social Behaviour Act 2003 (c. 38), ss. 38(3)(a), 92, 93, **Sch. 3**; S.I. 2003/3300, **art. 2(g)(ii)(a)**

F119 Words substituted by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), **s. 23(4)**

F120 Words in s. 23(2)(a) repealed (1.7.1997) by 1997 c. 5, s. 52(2), **Sch. 3**; S.I. 1997/1535, art. 3(b), **Sch. Pt. I**

F121 Words in s. 23(2) substituted (1.10.1997) by 1997 c. 5, s. 52(1), **Sch. 2 para. 3**; S.I. 1997/1535, art. 3(c), **Sch. Pt. II**

F122 S. 23(3)(4) inserted (20.1.2004) by Anti-social Behaviour Act 2003 (c. 38), **ss. 38(3)(b)**, 93; S.I. 2003/3300, **art. 2(c)(ii)**

F123 S. 23(4) repealed (1.10.2007) by Violent Crime Reduction Act 2006 (c. 38), ss. 34(3)(c), 65, 66(2), **Sch. 5**; S.I. 2007/2180, **arts. 3(d)**, 4(f)(i)

[[F124]24 Supplying firearms to minors.

(1) **[**[F125]It is an offence to sell or let on hire any firearm or ammunition to a person under the age of eighteen.**]**

(2) It is an offence—

(a) to make a gift of or lend any firearm or ammunition to which section 1 of this Act applies to a person under the age of fourteen; or

(b) to part with the possession of any such firearm or ammunition to a person under that age, except in circumstances where that person is entitled under section 11(1), (3) or (4) of this Act **[**[F126]or section 15 of the Firearms (Amendment) Act 1988**]** to have possession thereof without holding a firearm certificate.

(3) It is an offence to make a gift of a shot gun or ammunition for a shot gun to a person under the age of fifteen.

(4) It is an offence—

(a) to make a gift of an air weapon or ammunition for an air weapon to a person under the age of **[**[F127]eighteen**]**; or

(b) to part with the possession of an air weapon or ammunition for an air weapon to a person under the age of **[**[F127]eighteen**]** except where **[**[F128]by virtue of section 23 of this Act the person is not prohibited from having it with him.**][**[F128]the person holds an air weapon certificate granted under section 5 of the Air Weapons and Licensing (Scotland) Act 2015 or the possession is otherwise in accordance with Part 1 of that Act.**]**

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(5) In proceedings for an offence under any provision of this section it is a defence to prove that the person charged with the offence believed the other person to be of or over the age mentioned in that provision and had reasonable ground for the belief.**]**

Textual Amendments

F124 S. 24(1) substituted (1.10.2007) by Violent Crime Reduction Act 2006 (c. 38), **ss. 33(4)**, 66(2); S.I. 2007/2180, **art. 3(c)**

F125 S. 24(1) substituted (28.7.2010) by Firearms (Amendment) Regulations 2010 (S.I. 2010/1759), regs. 1(2), **2(4)**

F126 Words inserted by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), **s. 23(4)**

F127 Words in s. 24(4)(a)(b) substituted (1.10.2007) by Violent Crime Reduction Act 2006 (c. 38), **ss. 33(5)**, 66(2); S.I. 2007/2180, **art. 3(c)**

F128 Words in s. 24(4)(b) substituted (S.) (31.12.2016) by Air Weapons and Licensing (Scotland) Act 2015 (asp 10), s. 88(2), **sch. 2 para. 1(6)**; S.S.I. 2016/130, art. 3(c)

[F129 24ZA Failing to prevent minors from having air weapons

(1) It is an offence for a person in possession of an air weapon to fail to take reasonable precautions to prevent any person under the age of eighteen from having the weapon with him.

F130 (2) **[** Subsection (1) does not apply where—

(a) the person under the age of 18 holds an air weapon certificate granted under section 5 of the Air Weapons and Licensing (Scotland) Act 2015, or

(b) the use or possession of the weapon by the person under the age of 18 is otherwise in accordance with Part 1 of that Act.**]**

(3) In proceedings for an offence under subsection (1) it is a defence to show that the person charged with the offence—

(a) believed the other person to be aged eighteen or over; and

(b) had reasonable ground for that belief.

(4) For the purposes of this section a person shall be taken to have shown the matters specified in subsection (3) if—

(a) sufficient evidence of those matters is adduced to raise an issue with respect to them; and

(b) the contrary is not proved beyond a reasonable doubt.**]**

Textual Amendments

F129 S. 24ZA inserted (10.2.2011) by Crime and Security Act 2010 (c. 17), **ss. 46(2)**, 59(1); S.I. 2011/144, art. 2

F130 S. 24ZA(2) substituted (S.) (31.12.2016) by Air Weapons and Licensing (Scotland) Act 2015 (asp 10), s. 88(2), **sch. 2 para. 1(7)**; S.S.I. 2016/130, art. 3(c)

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PROSPECTIVE

[F131 24A Supplying imitation firearms to minors

(1) It is an offence for a person under the age of eighteen to purchase an imitation firearm.

(2) It is an offence to sell an imitation firearm to a person under the age of eighteen.

(3) In proceedings for an offence under subsection (2) it is a defence to show that the person charged with the offence—
  (a) believed the other person to be aged eighteen or over; and
  (b) had reasonable ground for that belief.

(4) For the purposes of this section a person shall be taken to have shown the matters specified in subsection (3) if—
  (a) sufficient evidence of those matters is adduced to raise an issue with respect to them; and
  (b) the contrary is not proved beyond a reasonable doubt.**]**

Textual Amendments

F131 S. 24A inserted (1.10.2007) by Violent Crime Reduction Act 2006 (c. 38), **ss. 40(1)**, 66(2); S.I. 2007/2180, **art. 3(i)**

25 Supplying firearm to person drunk or insane.

It is an offence for a person to sell or transfer any firearm or ammunition to, or to repair, prove or test any firearm or ammunition for, another person whom he knows or has reasonable cause for believing to be drunk or of unsound mind.

PART II

FIREARM AND SHOT GUN CERTIFICATES; REGISTRATION OF FIREARMS DEALERS

Grant, renewal, variation and revocation of firearm and shot gun certificates

[F132 26A Applications for firearm certificates.

(1) An application for the grant of a firearm certificate shall be made in the prescribed form to the chief officer of police for the area in which the applicant resides and shall state such particulars as may be required by the form.

(2) Rules made by the Secretary of State under section 53 of this Act may require any application for a firearm certificate to be accompanied by up to four photographs of the applicant and by the names and addresses of two persons who have agreed to act as referees.

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(3) The rules may require that, before considering an application for a firearm certificate, the chief officer of police has the following from each referee nominated by the applicant—

(a) verification in the prescribed manner of—

(i) any prescribed particulars; and

(ii) the likeness to the applicant of the photographs submitted with the application;

(b) a statement in the prescribed form to the effect that he knows of no reason why the applicant should not be permitted to possess a firearm; and

(c) such other statements or information in connection with the application or the applicant as may be prescribed.**]**

Textual Amendments

F132 Ss. 26A, 26B substituted for s. 26 (1.7.1997) by 1997 c. 5, **s. 37**; S.I. 1997/1535, art. 3(b), **Sch. Pt. I**

[F133]26B Applications for shot gun certificates.

(1) An application for the grant of a shot gun certificate shall be made in the prescribed form to the chief officer of police for the area in which the applicant resides and shall state such particulars as may be required by the form.

(2) Rules made by the Secretary of State under section 53 of this Act may—

(a) require any application for a certificate to be accompanied by up to four photographs of the applicant;

(b) require the verification in the prescribed manner of any prescribed particulars and of the likeness of those photographs to the applicant;

(c) require any application for a certificate to be accompanied by a statement by the person verifying the matters mentioned in paragraph (b) above to the effect that he knows of no reason why the applicant should not be permitted to possess a shot gun.

Textual Amendments

F133 Ss. 26A, 26B substituted for s. 26 (1.7.1997) by 1997 c. 5, **s. 37**; S.I. 1997/1535, art. 3(b), **Sch. Pt. I**

27 Special provisions about firearm certificates.

[[F138](1) A firearm certificate shall be granted where the chief officer of police is satisfied—

(a) that the applicant is fit to be entrusted with a firearm to which section 1 of this Act applies and is not a person prohibited by this Act from possessing such a firearm;

(b) that he has a good reason for having in his possession, or for purchasing or acquiring, the firearm or ammunition in respect of which the application is made; and

Status: *Point in time view as at 16/05/2019. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Firearms Act 1968 is up to date with all changes known to be in force on or before 23 July 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)*

(c) that in all the circumstances the applicant can be permitted to have the firearm or ammunition in his possession without danger to the public safety or to the peace.**]**

[F139]**[**(1A) For the purposes of subsection (1) above a person under the age of eighteen shall be capable of having a good reason for having a firearm or ammunition in his possession, or for [F140]... acquiring it, only if he has no intention of using the firearm or ammunition, at any time before he attains the age of eighteen, for a purpose not authorised by the European weapons directive.**]**

(2) A firearm certificate shall be in the prescribed form and shall specify the conditions (if any) subject to which it is held, the nature and number of the firearms to which it relates **[**[F141], including if known their identification numbers,**]** and, as respects ammunition, the quantities authorised to be purchased **[**[F141]or acquired**]** and to be held at any one time thereunder.

(3) This section applies to the renewal of a firearm certificate as it applies to a grant.

Textual Amendments

F138 S. 27(1) substituted (1.7.1997) by 1997 c. 5, **s. 38**; S.I. 1997/1535, art. 3(b), **Sch. Pt. I**

F139 S. 27(1A) inserted (1.1.1993) by S.I. 1992/2823, **reg. 4(2)**

F140 Words in s. 27(1A) omitted (28.7.2010) by virtue of Firearms (Amendment) Regulations 2010 (S.I. 2010/1759), regs. 1(2), **2(5)**

F141 Words inserted by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), **s. 23(5)**

Modifications etc. (not altering text)

C21 S. 27(2) amended by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), **s. 9**

[[F142]**27A Conditions for storage etc of certain firearms**

(1) This section applies to a firearm if it is a rifle from which a shot, bullet or other missile, with kinetic energy of more than 13,600 joules at the muzzle of the weapon, can be discharged.

(2) The Secretary of State must by rules under section 53 prescribe conditions—

(a) subject to which a firearm certificate relating to a firearm to which this section applies must be granted or renewed, and

(b) which impose requirements as to the storage of a firearm to which this section applies and as to the security measures to be taken when such a firearm is in transit.

(3) Before making rules under section 53 which prescribe conditions of the kind mentioned in subsection (2) the Secretary of State must consult such persons likely to be affected by the rules as the Secretary of State considers appropriate.**]**

Textual Amendments

F142 S. 27A inserted (16.5.2019) by Offensive Weapons Act 2019 (c. 17), **ss. 61(2)**, 70(5)(l)

Status: *Point in time view as at 16/05/2019. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Firearms Act 1968 is up to date with all changes known to be in force on or before 23 July 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)*

28 Special provisions about shot gun certificates.

[[F143](1) Subject to subsection (1A) below, a shot gun certificate shall be granted or, as the case may be, renewed by the chief officer of police if he is satisfied that the applicant can be permitted to possess a shot gun without danger to the public safety or to the peace.

(1A) No such certificate shall be granted or renewed if the chief officer of police—

(a) has reason to believe that the applicant is prohibited by this Act from possessing a shot gun; or

(b) is satisfied that the applicant does not have a good reason for possessing, purchasing or acquiring one.

(1B) For the purposes of paragraph (b) of subsection (1A) above an applicant shall, in particular, be regarded as having a good reason if the gun is intended to be used for sporting or competition purposes or for shooting vermin; and an application shall not be refused by virtue of that paragraph merely because the applicant intends neither to use the gun himself nor to lend it for anyone else to use.**]**

[F144]**[**(1C) A person under the age of eighteen shall be regarded for the purposes of paragraph (b) of subsection (1A) above as not having a good reason for possessing[F145]... or acquiring a shot gun if it is his intention to use the shot gun, at any time before he attains the age of eighteen, for a purpose not authorised by the European weapons directive.**]**

(2) A shot gun certificate shall be in the prescribed form and shall—

(a) be granted or renewed subject to any prescribed conditions and no others; and

(b) specify the conditions, if any, subject to which it is granted or renewed.

[[F146](2A) A shot gun certificate shall specify the description of the shot guns to which it relates including, if known, the identification numbers of the guns.**]**

[F147](3) . . . . . .

Textual Amendments

F143 S. 28(1) substituted by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), **s. 3(1)**

F144 S. 28(1C) inserted (1.1.1993) by S.I. 1992/2823, **reg. 4(3)**

F145 Words in s. 28(1C) omitted (28.7.2010) by virtue of Firearms (Amendment) Regulations 2010 (S.I. 2010/1759), regs. 1(2), **2(6)**

F146 S. 28(2A) inserted by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), **s. 3(2)**

F147 S. 28(3) repealed (1.7.1997) by 1997 c. 5, s. 52(2), **Sch. 3**; S.I. 1997/1535, art. 3(b), **Sch. Pt. I**

Modifications etc. (not altering text)

C22 S. 28(2) amended by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), **s. 9**

[[F148]28A Certificates: supplementary.

(1) A certificate shall, unless previously revoked or cancelled, continue in force for five years from the date when it was granted or last renewed, but shall be renewable for a further period of five years by the chief officer of police for the area in which the holder resides.

[F149](1A) **[** Subject to the provision made by section 28B for circumstances in which a certificate may continue in force after the period of five years from the date when it was granted or last renewed.**]**

Status: *Point in time view as at 16/05/2019. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Firearms Act 1968 is up to date with all changes known to be in force on or before 23 July 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)*

(2) The provisions of this Act apply to the renewal of a certificate as they apply to a grant; but, subject to the power of renewal conferred by this subsection, a certificate granted or last renewed in Northern Ireland shall not continue in force for a period longer than that for which it was so granted or last renewed.

(3) The Secretary of State may by order amend subsection (1) above so as to substitute for any reference to a period for the time being specified in that subsection a reference to such other period as may be specified in the order.

(4) An order made under subsection (3) above shall apply only to certificates granted or renewed after the date on which the order comes into force.

(5) The power to make orders under subsection (3) above shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(6) A person aggrieved by the refusal of a chief officer of police to grant or to renew a certificate under this Act may in accordance with section 44 of this Act appeal against the refusal.

(7) It is an offence for a person knowingly or recklessly to make any statement which is false in any material particular for the purpose of procuring (whether for himself or another) the grant or renewal of a certificate under this Act.**]**

Textual Amendments

F148 S. 28A inserted (1.7.1997) 1997 c. 5, s. 52(1), **Sch. 2 para. 4(1)**; S.I. 1997/1535, art. 3(b), **Sch. Pt. I**

F149 S. 28A(1A) inserted (31.1.2017 for specified purposes, 17.4.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 131(2)**, 183(1)(5)(e); S.I. 2018/456, reg. 4

[F150 28B Certificates: limited extension

(1) This section applies where—

(a) an application is made for the renewal of a certificate on or before the day which falls 8 weeks before the day at the end of which the certificate is due to expire, but

(b) the chief officer of police does not determine whether or not to grant the application before the certificate is due to expire.

(2) The certificate continues in force by virtue of this subsection until whichever of the following events occurs first—

(a) the chief officer determines whether or not to grant the application;

(b) the extension period ends.

(3) In subsection (2), "the extension period" means the period of 8 weeks beginning with the day after the day at the end of which the certificate was due to expire.

(4) If the event mentioned in subsection (2)(a) occurs first, and the chief officer grants the application, any period for which the certificate continued in force under subsection (2) is to be treated for the purposes of section 28A(1) as part of the period for which the renewed certificate is in force.

Status: *Point in time view as at 16/05/2019. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Firearms Act 1968 is up to date with all changes known to be in force on or before 23 July 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)*

(5) This section does not apply in relation to the renewal of a certificate granted or last renewed in Northern Ireland.**]**

Textual Amendments

F150 S. 28B inserted (31.1.2017 for specified purposes, 17.4.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 131(1)**, 183(1)(5)(e); S.I. 2018/456, reg. 4

29 Variation of firearm certificates.

(1) The chief officer of police for the area in which the holder of a firearm certificate resides may at any time by notice in writing vary the conditions subject to which the certificate is held, except such of them as may be prescribed, and may by the notice require the holder to deliver up the certificate to him within twenty-one days from the date of the notice for the purpose of amending the conditions specified therein.

(2) A firearm certificate may also, on the application of the holder, be varied from time to time by the chief officer of police for the area in which the holder for the time being resides; and a person aggrieved by the refusal of a chief officer of police to vary a firearm certificate may in accordance with section 44 of this Act appeal against the refusal.

(3) It is an offence for a person **[**[F151]knowingly or recklessly to make a statement false in any material particular**]** for the purpose of procuring, whether for himself or another person, the variation of a firearm certificate.

Textual Amendments

F151 Words in s. 29(3) substituted (1.7.1997) by 1997 c. 5, s. 52(1), **Sch. 2 para. 2(2)**; S.I. 1997/1535, art. 3(b), **Sch. Pt. I**

[[F152]30A Revocation of firearm certificates.

(1) A firearm certificate may be revoked by the chief officer of police for the area in which the holder resides on any of the grounds mentioned in subsections (2) to (5) below.

(2) The certificate may be revoked if the chief officer of police has reason to believe—

(a) that the holder is of intemperate habits or unsound mind or is otherwise unfitted to be entrusted with a firearm; or

(b) that the holder can no longer be permitted to have the firearm or ammunition to which the certificate relates in his possession without danger to the public safety or to the peace.

(3) The certificate may be revoked if the chief officer of police is satisfied that the holder is prohibited by this Act from possessing a firearm to which section 1 of this Act applies.

(4) The certificate may be revoked if the chief officer of police is satisfied that the holder no longer has a good reason for having in his possession, or for purchasing or acquiring, the firearm or ammunition which he is authorised by virtue of the certificate to have in his possession or to purchase or acquire.

Status: *Point in time view as at 16/05/2019. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Firearms Act 1968 is up to date with all changes known to be in force on or before 23 July 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)*

(5) A firearm certificate may be revoked if the holder fails to comply with a notice under section 29(1) of this Act requiring him to deliver up the certificate.

(6) A person aggrieved by the revocation of a certificate under subsection (2), (3) or (4) of this section may in accordance with section 44 of this Act appeal against the revocation.**]**

Textual Amendments

F152 Ss. 30A, 30B, 30C, 30D substituted for s. 30 (1.7.1997) by 1997 c. 5, **s. 40**; S.I. 1997/1535, art. 3(b), **Sch. Pt. I**

[F153]30B Partial revocation of firearm certificates.

(1) The chief officer of police for the area in which the holder of a firearm certificate resides may partially revoke the certificate, that is to say, he may revoke the certificate in relation to any firearm or ammunition which the holder is authorised by virtue of the certificate to have in his possession or to purchase or acquire.

(2) A firearm certificate may be partially revoked only if the chief officer of police is satisfied that the holder no longer has a good reason for having in his possession, or for purchasing or acquiring, the firearm or ammunition to which the partial revocation relates.

(3) A person aggrieved by the partial revocation of a certificate may in accordance with section 44 of this Act appeal against the partial revocation.

Textual Amendments

F153 Ss. 30A, 30B, 30C, 30D substituted for s. 30 (1.7.1997) by 1997 c. 5, **s. 40**; S.I. 1997/1535, art. 3(b), **Sch. Pt. I**

[F154]30C Revocation of shot gun certificates.

(1) A shot gun certificate may be revoked by the chief officer of police for the area in which the holder resides if he is satisfied that the holder is prohibited by this Act from possessing a shot gun or cannot be permitted to possess a shot gun without danger to the public safety or to the peace.

(2) A person aggrieved by the revocation of a shot gun certificate may in accordance with section 44 of this Act appeal against the revocation.

Textual Amendments

F154 Ss. 30A, 30B, 30C, 30D substituted for s. 30 (1.7.1997) by 1997 c. 5, **s. 40**; S.I. 1997/1535, art. 3(b), **Sch. Pt. I**

Status: *Point in time view as at 16/05/2019. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Firearms Act 1968 is up to date with all changes known to be in force on or before 23 July 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)*

[F155]30D Revocation of certificates: supplementary.

(1) Where a certificate is revoked under section 30A or 30C of this Act the chief officer of police shall by notice in writing require the holder to surrender the certificate.

(2) Where a certificate is partially revoked under section 30B of this Act the chief officer of police shall by notice in writing require the holder to deliver up the certificate for the purpose of amending it.

(3) It is an offence for the holder of a certificate to fail to comply with a notice under subsection (1) or (2) above within twenty-one days from the date of the notice.

(4) If an appeal is brought against a revocation or partial revocation—

(a) this section shall not apply to that revocation or partial revocation unless the appeal is abandoned or dismissed; and

(b) it shall then apply with the substitution, for the reference to the date of the notice, of a reference to the date on which the appeal was abandoned or dismissed.

(5) This section shall not apply in relation to—

(a) the revocation of a firearm certificate on any ground mentioned in section 30A(2), (3) or (4) of this Act;

(b) the revocation of a shot gun certificate,

if the chief officer of police serves a notice on the holder under section 12 of the [M5]Firearms Act 1988 requiring him to surrender forthwith his certificate and any firearms and ammunition in his possession by virtue of the certificate.

Textual Amendments

F155 Ss. 30A, 30B, 30C, 30D substituted for s. 30 (1.7.1997) by 1997 c. 5, **s. 40**; S.I. 1997/1535, art. 3(b), **Sch. Pt. I**

Marginal Citations

M5 1988 c. 45.

31 Certificate for prohibited weapon.

(1) A chief officer of police shall not refuse to grant or renew, and shall not revoke, a firearm certificate in respect of a prohibited weapon or prohibited ammunition if the applicant for the certificate is for the time being authorised by the Defence Council under section 5 of this Act to have possession of that weapon or ammunition.

(2) Where an authority of the Defence Council under that section to have possession of, or to purchase or acquire, a prohibited weapon or prohibited ammunition is revoked, the firearm certificate relating to that weapon or ammunition shall be revoked or varied accordingly by the chief officer of police by whom it was granted.

Modifications etc. (not altering text)

C24 S. 31 modified (1.11.1968) by S.I. 1968/1200, **art. 3**

Status: *Point in time view as at 16/05/2019. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Firearms Act 1968 is up to date with all changes known to be in force on or before 23 July 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)*

32 Fee for certificate and exemption from paying it in certain cases.

[(1) Subject to this Act, there shall be payable—

(a) on the grant of a firearm certificate a fee of **[**[F156]£88**]**;

(b) on the renewal of a firearm certificate a fee of **[**[F157]£62**]**;

(c) on any variation of a firearm certificate (otherwise than when it is renewed at the same time) so as to increase the number of firearms to which the certificate relates, a fee of **[**[F158]£20**]**;

(cc) on the replacement of a firearm certificate which has been lost or destroyed a fee of **[**[F159]£4**]**;

(d) on the grant of a shot gun certificate a fee of **[**[F160]£79.50**]**;

(e) on the renewal of a shot gun certificate a fee of **[**[F161]£49**]**;

(f) on the replacement of a shot gun certificate which has been lost or destroyed a fee of **[**[F162]£4**]** .**]**

[[F163](2) No fee shall be payable on the grant to a responsible officer of a rifle club, miniature rifle club or muzzle-loading pistol club which is approved under section 15 of the Firearms (Amendment) Act 1988 of a firearm certificate in respect of rifles, miniature rifles or muzzle-loading pistols, or ammunition, to be used solely for target shooting by the members of the club, or on the variation or renewal of a certificate so granted.

[F163](2A) Subsection (2) above—

(a) does not apply if the operation of subsection (1) of section 15 of the Firearms (Amendment) Act 1988 is excluded in relation to the club by a limitation in the approval; or

(b) if the operation of subsection (1) of that section in relation to the club is limited by the approval to target shooting with specified types of rifles, miniature rifles or muzzle-loading pistols, only applies to a certificate in respect of rifles, miniature rifles or pistols of those types.

[F164](2B) . . . . . .**]**

(3) No fee shall be payable on the grant, variation or renewal of a firearm certificate if the chief officer of police is satisfied that the certificate relates solely to and, in the case of a variation, will continue when varied to relate solely to—

(a) a firearm or ammunition which the applicant requires as part of the equipment of a ship; or

(b) a signalling apparatus, or ammunition therefor, which the applicant requires as part of the equipment of an aircraft or aerodrome; or

(c) a slaughtering instrument, or ammunition therefor, which the applicant requires for the purpose of the slaughter of animals.

[(3A) No fee shall be payable on the grant, variation or renewal of a firearm certificate which relates solely to and, in the case of a variation, will continue when varied to relate solely to a signalling device, which, when assembled and ready to fire, is not more than eight inches long and which is designed to discharge a flare, or to ammunition for such a device.**]**

(4) No fee shall be payable—

(a) on the grant or renewal of a firearm certificate relating solely to a firearm which is shown to the satisfaction of the chief officer of police to be kept by the applicant as a trophy of war; or

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(b) on any variation of a certificate the sole effect of which is to add such a firearm as aforesaid to the firearms to which the certificate relates,

if the certificate is granted, renewed or varied subject to the condition that the applicant shall not use the firearm.

Textual Amendments

F156 Word in s. 32(1)(a) substituted (6.4.2015) by The Firearms (Variation of Fees) Order 2015 (S.I. 2015/611), arts. 1(1), **2(2)**

F157 Word in s. 32(1)(b) substituted (6.4.2015) by The Firearms (Variation of Fees) Order 2015 (S.I. 2015/611), arts. 1(1), **2(3)**

F158 Word in s. 32(1)(c) substituted (6.4.2015) by The Firearms (Variation of Fees) Order 2015 (S.I. 2015/611), arts. 1(1), **2(4)**

F159 Word in s. 32(1)(cc) substituted (6.4.2015) by The Firearms (Variation of Fees) Order 2015 (S.I. 2015/611), arts. 1(1), **2(5)**

F160 Word in s. 32(1)(d) substituted (6.4.2015) by The Firearms (Variation of Fees) Order 2015 (S.I. 2015/611), arts. 1(1), **2(6)**

F161 Word in s. 32(1)(e) substituted (6.4.2015) by The Firearms (Variation of Fees) Order 2015 (S.I. 2015/611), arts. 1(1), **2(7)**

F162 Word in s. 32(1)(f) substituted (6.4.2015) by The Firearms (Variation of Fees) Order 2015 (S.I. 2015/611), arts. 1(1), **2(8)**

F163 S. 32(2)(2A)(2B) substituted (1.10.1997) for s. 32(2) by 1997 c. 5, s. 52(1), **Sch. 2 para. 5**; S.I. 1997/1535, art. 3(c), **Sch. Pt. II**

F164 S. 32(2B) repealed (17.12.1997) by 1997 c. 64, s. 2(7), **Sch.**; S.I. 1997/3114, art. 3(b), **Sch. Pt. I**

Modifications etc. (not altering text)

C25 S. 32 modified by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), **s. 11(3)**

C26 S. 32(1) amended (E.W.) (1.1.1995) by virtue of S.I. 1994/2615, art. 4, **Sch. 1 Pt. I** and (S.) (1.1.1995) by virtue of S.I. 1994/2652, art. 3, **Sch. 1 Pt. I**

C27 S. 32(3A) continued (E.W.) (1.1.1995) by virtue of S.I. 1994/2615, art. 5, **Sch. 1 Pt. II** and (S.) (1.1.1995) by virtue of S.I. 1994/2652, art. 4, **Sch. 1 Pt. II**

[F165 32ZA Fees in connection with authority under section 5

(1) The Secretary of State may by regulations authorise the appropriate national authority to require payment of a fee before an authority under section 5 is granted, varied or renewed.

(2) Regulations under subsection (1) must specify the amount of any fee that may be charged.

(3) The regulations may make different provision for different cases (including specifying different fees for different cases).

(4) The regulations may include—

(a) incidental, supplementary or consequential provision;

(b) transitional, transitory or saving provision.

(5) Regulations under this section are to be made by statutory instrument.

(6) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.

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(7) In this section, "the appropriate national authority" means—

(a) in or as regards England and Wales, the Secretary of State;

(b) in or as regards Scotland, the Scottish Ministers.**]**

Textual Amendments

F165 S. 32ZA inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), **ss. 132(1)**, 183(1)(5)(e)

[F166*Issue etc. in Great Britain of documents for European purposes.****]***

Textual Amendments

F166 Heading and ss. 32A-32C inserted (1.1.1993) by S.I. 1992/2823, **reg. 5(1)**.

F167 32A Documents for European purposes.

(1) Where a person is granted, or is the holder of, a certificate under this Act, he shall be entitled to be issued by the chief officer of police for the area in which he resides with—

(a) a document ("a European firearms pass") containing the required particulars; and

(b) a document stating that, for the purposes of Article 7 of the European weapons directive, the holder of the certificate has the agreement of the United Kingdom authorities, for so long as the certificate remains in force, to any purchase or acquisition by him in another member State of any firearm or ammunition to which the certificate relates;

and an application for the issue of a document falling within paragraph (a) or (b) above may be made at the same time as any application for a certificate the grant of which will entitle him to the issue of the document or subsequently while the certificate is in force.

(2) Where—

(a) a person who resides in Great Britain is proposing to purchase or acquire any firearm or ammunition in another member State;

(b) that person is not for the time being the holder of a certificate under this Act relating to that firearm or ammunition;

(c) the firearm falls within category B for the purposes of Annex I to the European weapons directive or the ammunition is capable of being used with such a firearm; and

(d) that person satisfies the chief officer of police for the area where he resides that he is not proposing to bring that firearm or ammunition into the United Kingdom,

the chief officer of police may, if he thinks fit, issue that person with a document stating that, for the purposes of Article 7 of the European weapons directive, that person has the agreement of the United Kingdom authorities to any purchase or acquisition by him in another member State of that firearm or ammunition.

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(3) For the purposes of subsection (1) above the required particulars, in relation to a person issued with a European firearms pass, are—

(a) particulars identifying that person;

(b) particulars identifying every firearm which—

(i) that person has applied to have included in a European firearms pass; and

(ii) is a firearm in relation to which a certificate granted to that person is for the time being in force;

(c) a statement in relation to every firearm identified in the pass as to the category into which it falls for the purposes of Annex I to the European weapons directive;

(d) the date of the issue of the pass and the period from its issue for which the pass is to be valid;

(e) the statements required by paragraph (f) of Annex II to that directive (statements as to travel in the member States with the firearms identified in the pass).

(4) For the purposes of this section the particulars of the firearms to which a shot gun certificate relates which are to be contained in a European firearms pass by virtue of subsection (3)(b) above are—

(a) a description of the shot guns to which that certificate relates; and

(b) any identification numbers specified in or entered on that certificate in pursuance of section 28(2A) of this Act or in consequence of any person's compliance, in accordance with **[**[F168]section 32(2)(b) of the Firearms (Amendment) Act 1997 (requirements relating to transfers of firearms)**]**, with any instructions contained in the certificate;

and, accordingly, references in this Act to a firearm identified in such a pass shall include references to any shot gun of a description specified in that pass.

(5) A European firearms pass shall contain space for the making of entries by persons authorised to do so under the law of any member State.

(6) The period specified in a European firearms pass as the period for which it is to be valid shall be whichever is the shorter of the following—

(a) the period until the earliest time when a certificate relating to a firearm identified in the pass expires; and

(b) the maximum period for the duration of that pass.

(7) For the purposes of subsection (6) above the maximum period for the duration of a European firearms pass is—

(a) in the case of a pass identifying only a firearm or firearms stated in the pass to fall within category D for the purposes of Annex I to the European weapons directive, ten years; and

(b) in any other case, five years.

Textual Amendments

F167 Heading and ss. 32A-32C inserted (1.1.1993) by S.I. 1992/2823, **reg. 5(1)**

F168 Words in s. 32A(4)(b) substituted (1.10.1997) by 1997 c. 5, s. 52(1), **Sch. 2 para. 6**; S.I. 1997/1535, art. 3(c), **Sch. Pt. II**

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[F169]32B Renewal of European firearms pass.

(1) On an application for the renewal by a chief officer of police of a certificate under this Act relating to a firearm identified in a European firearms pass, the holder of the certificate may apply to the chief officer of police for the renewal of the pass.

(2) Where—
- (a) a certificate relating to a firearm identified in a European firearms pass is to expire without being renewed; but
- (b) a certificate relating to another firearm identified in that pass will continue in force after the other certificate expires,

the holder of the pass may apply to the chief officer of police for the area in which he resides for the renewal of the pass subject to the deletion of the reference to any firearm to which the expiring certificate relates.

(3) Where, on an application to a chief officer of police under subsection (1) or (2) above—
- (a) the pass in question is produced to him; and
- (b) a certificate relating to a firearm identified in the pass is renewed or will continue in force after the time when the pass would (apart from its renewal) have ceased to be valid,

he shall renew that pass, subject to any appropriate deletion, from that time for whichever is the shorter of the periods specified in section 32A(6)(a) and (b) of this Act.

(4) Where a European firearms pass ceases to be valid without being renewed under this section, the chief officer of police for the area in which the person to whom it was issued resides may, by notice in writing, require that person, within twenty-one days of the date of the notice, to surrender the pass to him.

(5) It is an offence for any person to fail to comply with a notice given to him under subsection (4) above.

Textual Amendments
F169 Heading and ss. 32A-32C inserted (1.1.1993) by S.I. 1992/2823, **reg. 5(1)**

[F170]32C Variation, endorsement etc. of European documents.

(1) Where—
- (a) a certificate relating to a firearm identified in a European firearms pass or a certificate in respect of which an Article 7 authority has been issued is varied, revoked or cancelled under this Act;
- (b) the Secretary of State gives notice that any European firearms pass needs to be modified by the addition or variation of any such statement as is mentioned in section 32A(3)(e) of this Act; or
- (c) the holder of a European firearms pass applies to have particulars of another firearm added to the pass,

it shall be the duty of the chief officer of police for the area in which the holder of the pass or authority resides to make such variations of the pass or authority as are appropriate in consequence of the variation, revocation, cancellation, notice or application or, where appropriate, to cancel it.

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(2) For the purpose of performing his duty under subsection (1) above the chief officer of police for the area in which any person who is or has been the holder of any certificate resides may, by notice in writing, require that person, within twenty-one days of the date of the notice, to produce or surrender to him any European firearms pass or Article 7 authority issued to that person.

(3) Where a person is for the time being the holder of an Article 7 authority issued under section 32A(2) of this Act by the chief officer of police for any area, the chief officer of police for that area may, if he thinks fit, at any time—
  (a) revoke that authority; and
  (b) by notice in writing require that person, within twenty-one days of the date of the notice, to surrender that authority to him.

(4) Where a firearm identified in a European firearms pass which is for the time being valid, is lost or stolen, the holder of the pass shall immediately—
  (a) inform the chief officer of police for the area in which he resides about the loss or theft; and
  (b) produce the pass to that chief officer for him to endorse particulars of that loss or theft on the pass.

(5) Where a firearm to which an endorsement under subsection (4) above relates is returned to the possession of the holder of the pass in question, the chief officer of police for the area in which that person resides may, on the production to him of that pass, make such further endorsement on that pass as may be appropriate.

(6) It is an offence for any person to fail to comply with a notice given to him under subsection (2) or (3) above or with any obligation imposed on him by virtue of subsection (4)(a) or (b) above.

(7) Any reference in this section to the variation of a certificate includes a reference to the making of any entry on a shot gun certificate in pursuance of the requirement under **[**[F171]section 32(2)(b) of the Firearms (Amendment) Act 1997 (requirements relating to transfers of firearms)**]** to comply with instructions contained in the certificate.

Textual Amendments

F170 Heading and ss. 32A-32C inserted (1.1.1993) by S.I. 1992/2823, **reg. 5(1)**

F171 Words in s. 32C(7) substituted (1.10.1997) by 1997 c. 5, s. 52(1), **Sch. 2 para. 6**; S.I. 1997/1535, art. 3(c), **Sch. Pt. II**

Registration of firearms dealers

33 Police register.

(1) For purposes of this Act, the chief officer of police for every area shall keep in the prescribed form a register of firearms dealers.

(2) Except as provided by section 34 of this Act, the chief officer of police shall enter in the register the name of any person who, having or proposing to have a place of business in the area, applies to be registered as a firearms dealer.

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(3) **[**[F172]An applicant for registration as a firearms dealer**]** must furnish the chief officer of police with the prescribed particulars, which shall include particulars of every place of business at which he proposes to carry on business in the area as a firearms dealer and, except as provided by this Act, the chief officer of police shall **[**[F173](if he registers the applicant as a firearms dealer)**]** enter every such place of business in the register.

(4) When a person is registered, the chief officer of police shall grant or cause to be granted to him a certificate of registration.

(5) A person for the time being registered shall, **[**[F174]on or before the expiration of the period of three years from the grant of the certificate of registration for the time being held by him**]**—

(a) surrender his certificate to the chief officer of police; and

(b) apply in the prescribed form for a new certificate;

and thereupon the chief officer of police shall, subject to sections 35(3) and 38(1) below, grant him a new certificate of registration.

Textual Amendments

F172 Words in s. 33(3) substituted (1.7.1997) by 1997 c. 5, **s. 42(2)(a)**; S.I. 1997/1535, art. 3(b), **Sch. Pt. I**

F173 Words in s. 33(3) inserted (1.7.1997) by 1997 c. 5, **s. 42(2)(b)**; S.I. 1997/1535, art. 3(b), **Sch. Pt. I**

F174 Words substituted by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), **s. 13(1)**

34 Grounds for refusal of registration.

(1) The chief officer of police shall not register an applicant as a firearms dealer if he is prohibited to be so registered by order of a court in Great Britain made under section 45 of this Act, or by order of a court in Northern Ireland under section 8(5) of the [M6]Firearms Act 1920 or any enactment of the Parliament of Northern Ireland amending or substituted for that section.

[[F175](1A) The chief officer of police may refuse to register an applicant unless he is satisfied that the applicant will engage in business as a firearms dealer to a substantial extent or as an essential part of another trade, business or profession.**]**

(2) Subject to subsection (3) below, the chief officer of police may refuse to register an applicant, if he is satisfied that the applicant cannot be permitted to carry on business as a firearms dealer without danger to the public safety or to the peace.

(3) In the case of a person for the time being authorised by the Defence Council under section 5 of this Act to manufacture, sell or transfer prohibited weapons or ammunition, the chief officer of police shall not refuse to enter his name in the register on the ground that he cannot be permitted to carry on business as a firearms dealer without danger to the public safety or to the peace.

(4) The chief officer of police, if he is satisfied that a place of business notified to him under section 33(3) of this Act by an applicant for registration is a place at which the person cannot be permitted to carry on business as a firearms dealer without danger to the public safety or to the peace, may refuse to enter that place of business in the register.

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(5) A person aggrieved by the refusal of a chief officer of police to register him as a firearms dealer, or to enter in the register a place of business of his, may in accordance with section 44 of this Act appeal against the refusal.

Textual Amendments

F175 S. 34(1A) inserted by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), **s. 13(2)**

Modifications etc. (not altering text)

C28 S. 34(3) modified (1.11.1968) by S.I. 1968/1200, **art. 3**

Marginal Citations

M6 1920 c. 43.

35 Fee for registration and renewal thereof.

[[F176](1) Subject to t his Act, on the registration of a person as a firearms dealer there shall be payable by him a fee of **[**[F177]£200**].]**

[[F178](1A) If the chief officer of police for the area in which the applicant has applied to be registered is satisfied—

(a) that the only place of business in respect of which the application is made is at a game fair, trade fair or exhibition, agricultural show or an event of a similar character, and

(b) that the applicant's principal place of business is entered in the register for another area,

the fee payable shall be **[**[F179]£13**]]**

(2) No fee shall be payable if the chief officer of police for the area in which the applicant has applied to be registered is satisfied that the only place of business in respect of which the application is made—

(a) has become situated in that area because of an alteration in the boundary of the area and was previously entered in the register for another area; or

(b) is one to which the applicant proposes to transfer the business previously carried on by him at a place entered in the register for another area.

[[F180](3) Before a person for the time being registered as a firearms dealer can be granted a new certificate of registration under section 33(5) of this Act, he shall pay a fee of **[**[F181]£200**].]**

Textual Amendments

F176 S. 35(1) amended (E.W.) by virtue of S.I. 1990/290, art. 6(a), **Sch. 2 Pt. I** and (S.) by virtue of S.I. 1990/325, art. 6(a), **Sch. 2 Pt. I**

F177 Word in s. 35(1) substituted (6.4.2015) by The Firearms (Variation of Fees) Order 2015 (S.I. 2015/611), arts. 1(1), **3(2)**

F178 S. 35(1A) inserted by (S.) S.I. 1986/996, **art. 7** and (E.W.) S.I. 1986/986, **art. 7**

F179 Word in s. 35(1A) substituted (6.4.2015) by The Firearms (Variation of Fees) Order 2015 (S.I. 2015/611), arts. 1(1), **3(3)**

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F180 Section 35(3) amended (E.W.) by virtue of S.I. 1990/290 art. 6(c), Sch. 2 Pt. II and (S.) by virtue of S.I. 1990/325, art. 6(c), **Sch. 2 Pt. II**

F181 Word in s. 35(3) substituted (6.4.2015) by The Firearms (Variation of Fees) Order 2015 (S.I. 2015/611), arts. 1(1), **3(4)**

Modifications etc. (not altering text)

C29 S. 35(1) amended (E.W.) (1.1.1995) by virtue of S.I. 1994/2615, art. 6, **Sch. 2 Pt. I** and (S.) (1.1.1995) by virtue of S.I. 1994/2652, art. 5, **Sch. 2 Pt. I**

C30 S. 35(1A) continued (E.W.) (1.1.1995) by virtue of S.I. 1994/2615, art. 7, **Sch. 2 Pt. II** and (S.) (1.1.1995) by virtue of S.I. 1994/2652, art. 6, **Sch. 2 Pt. II**

C31 S. 35(3) continued (E.W.) (1.1.1995) by virtue of S.I. 1994/2615, art. 8, **Sch. 2 Pt. III** and (S.) (1.1.1995) by virtue of S.I. 1994/2652, art. 7, **Sch. 2 Pt. III**

36 Conditions of registration.

(1) The chief officer of police may at any time impose conditions subject to which the registration of a person as a firearms dealer is to have effect and may at any time, of his own motion or on the application of the dealer, vary or revoke any such condition.

(2) The chief officer of police shall specify the conditions for the time being in force under this section in the certificate of registration granted to the firearms dealer and, where any such condition is imposed, varied or revoked during the currency of the certificate of registration, the chief officer of police—

(a) shall give to the dealer notice in writing of the condition or variation (giving particulars) or of the revocation, as the case may be; and

(b) may by that notice require the dealer to deliver up to him his certificate of registration within twenty-one days from the date of the notice, for the purpose of amending the certificate.

(3) A person aggrieved by the imposition or variation of, or refusal to vary or revoke, any condition of a firearms dealer's registration may in accordance with section 44 of this Act appeal against the imposition, variation or refusal.

37 Registration of new place of business.

(1) A person registered in any area as a firearms dealer and proposing to carry on business as such at a place of business in that area which is not entered in the register, shall notify the chief officer of police for that area and furnish him with such particulars as may be prescribed; and the officer shall, subject to the provisions of this section, enter that place of business in the register.

(2) The chief officer of police, if he is satisfied that a place of business notified to him by a person under subsection (1) of this section is a place at which that person cannot be permitted to carry on business as a firearms dealer without danger to the public safety or to the peace, may refuse to enter it in the register.

(3) A person aggrieved by the refusal by a chief officer of police to enter in the register a place of business of his may in accordance with section 44 of this Act appeal against the refusal.

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38 Removal from register of dealer's name or place of business.

(1) If the chief officer of police, after giving reasonable notice to a person whose name is on the register, is satisfied that the person—

(a) is no longer carrying on business as a firearms dealer; or

(b) has ceased to have a place of business in the area; or

(c) cannot be permitted to continue to carry on business as a firearms dealer without danger to the public safety or to the peace,

he shall (subject to this section) cause the name of that person to be removed from the register.

(2) In the case of a person for the time being authorised by the Defence Council under section 5 of this Act to manufacture, sell or transfer prohibited weapons or ammunition, the chief officer of police shall not remove his name from the register on the ground that he cannot be permitted to continue to carry on business as a firearms dealer without danger to the public safety or to the peace.

(3) If the chief officer of police is satisfied that a person registered as a firearms dealer has failed to comply with any of the conditions of registration in force under section 36 of this Act, he may remove from the register either that person's name or any place of business of his to which the condition relates.

(4) If the chief officer of police is satisfied that a place entered in the register as a person's place of business is one at which that person cannot be permitted to carry on business as a firearms dealer without danger to the public safety or to the peace, he may remove that place from the register.

(5) The chief officer of police shall cause the name of a person to be removed from the register if the person so desires.

(6) If a person for the time being registered fails to comply with any requirement of section 33(5) of this Act, the chief officer of police shall by notice in writing require him to comply with that requirement and, if the person fails to do so within twenty-one days from the date of the notice or within such further time as the chief officer may in special circumstances allow, shall cause his name to be removed from the register.

(7) A person aggrieved by the removal of his name from the register, or by the removal from the register of a place of business of his, may in accordance with section 44 of this Act appeal against the removal.

(8) Where the chief officer of police causes the name of a firearms dealer to be removed from the register, he shall by notice in writing require the dealer to surrender his certificate of registration **[**[F182]and the register of transactions kept by him under section 40 of this Act**][**[F183](or, if the register is kept by means of a computer, a copy of the information comprised in that register in a visible and legible form)**]**; and it is an offence for the dealer to fail to do so within twenty-one days from the date of the notice:

Provided that, if an appeal is brought against the removal, this subsection shall not apply to that removal unless the appeal is abandoned or dismissed and shall then apply with the substitution, for the reference to the date of the notice, of a reference to the date on which the appeal was abandoned or dismissed.

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Textual Amendments

F182 Words inserted by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), **s. 13(3)**

F183 Words in s. 38(8) inserted (1.7.1997) by 1997 c. 5, s. 52(1), **Sch. 2 para. 7**; S.I. 1997/1535, art. 3(a), **Sch. Pt. I**

Modifications etc. (not altering text)

C32 S. 38(2) modified (1.11.1968) by S.I. 1968/1200, **art. 3**

39 Offences in connection with registration.

(1) A person commits an offence if, for the purpose—

(a) of procuring the registration of himself or another person as a firearms dealer; or

(b) of procuring, whether for himself or another person, the entry of any place of business in a register of firearms dealers,

he **[**[F184]knowingly or recklessly makes a statement false in any material particular**]**.

(2) A person commits an offence if, being a registered firearms dealer, he has a place of business which is not entered in the register for the area in which the place of business is situated and carries on business as a firearms dealer at that place.

(3) Without prejudice to section 38(3) above, a person commits an offence if he fails to comply with any of the conditions of registration imposed on him by the chief officer of police under section 36 of this Act.

Textual Amendments

F184 Words in s. 39(1) substituted (1.7.1997) by 1997 c. 5, s. 52(1), **Sch. 2 para. 2(3)**; S.I. 1997/1535, art. 3(b), **Sch. 2 Pt. I**

Supplementary

40 Compulsory register of transactions in firearms.

(1) Subject to section 41 of this Act, every person who by way of trade or business manufactures, sells or transfers firearms or ammunition shall provide and keep a register of transactions and shall enter or cause to be entered therein the particulars specified in Schedule 4 to this Act.

(2) In subsection (1) above and in the said Schedule 4, any reference [F185]. . . to ammunition is to be construed as not including—

(a) cartridges containing five or more shot, none of which exceeds ·36 inch in diameter;

(b) ammunition for an air gun, air rifle or air pistol; or

(c) blank cartridges not more than one inch in diameter measured immediately in front of the rim or cannelure of the base of the cartridge.

(3) Every entry required by subsection (1) of this section to be made in the register shall be made within twenty-four hours after the transaction to which it relates took place

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and, in the case of a sale or transfer, every person to whom that subsection applies shall at the time of the transaction require the purchaser or transferee, if not known to him, to furnish particulars sufficient for identification and shall immediately enter the said particulars in the register.

[[F186](3A) Every person keeping a register in accordance with this section shall (unless required to surrender the register under section 38(8) of this Act) keep it for such a period that each entry made after the coming into force of this subsection will be available for inspection for at least five years from the date on which it was made.**]**

(4) Every person keeping a register in accordance with this section shall on demand allow **[**[F187]a constable**][**[F188]or a civilian officer**]**, duly authorised in writing in that behalf by the chief officer of police, to enter and inspect all stock in hand and shall on request by an officer of police so authorised or by an officer of customs and excise produce the register **[**[F189](or if the register is kept by means of a computer, a copy of the information comprised in that register in a visible and legible form);**]** for inspection:

Provided that, where a written authority is required by this subsection, the authority shall be produced on demand.

[[F190](4A) Every person keeping a register in accordance with this section by means of a computer shall secure that the information comprised in the register can readily be produced in a form in which it is visible and legible and can be taken away.**]**

(5) It is an offence for a person to fail to comply with any provision of this section or knowingly to make any false entry in the register required to be kept thereunder.

(6) Nothing in this section applies to the sale of firearms or ammunition by auction in accordance with the terms of a permit issued under section 9(2) of this Act.

(7) Rules made by the Secretary of State under section 53 of this Act may vary or add to Schedule 4 to this Act, and references in this section to that Schedule shall be construed as references to the Schedule as for the time being so varied or added to.

Textual Amendments

F185 Words in s. 40(2) repealed (1.10.2007) by Violent Crime Reduction Act 2006 (c. 38), **ss. 31(2)**, 65, 66(2), **Sch. 5**; S.I. 2007/2180, arts. 3(i), **4(e)(f)(i)**

F186 S. 40(3A) inserted by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), **s. 13(4)**

F187 Words substituted by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), **s. 23(3)**

F188 Words in s. 40(4) inserted (1.7.1997) by 1997 c. 5, s. 52(1), **Sch. 2 para. 8(a)(i)**; S.I. 1997/1535, art. 3(b), **Sch. Pt. I**

F189 Words in s. 40(4) inserted (1.7.1997) by 1997 c. 5, s. 52(1), **Sch. 2 para. 8(a)(ii)**; S.I. 1997/1535, art. 3(b), **Sch. Pt. I**

F190 S. 40(4A) inserted (1.7.1997) by 1997 c. 5, s. 52(1), **Sch. 2 para. 8(b)**; S.I. 1997/1535, art. 3(b), **Sch. Pt. I**

41 Exemption from s. 40 in case of trade in shot gun components.

If it appears to the chief officer of police that—

(a) a person required to be registered as a firearms dealer carries on a trade or business in the course of which he manufactures, tests or repairs component parts or accessories for shot guns, but does not manufacture, test or repair complete shot guns; and

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(b) it is impossible to assemble a shot gun from the parts likely to come into that person's possession in the course of that trade or business,

the chief officer of police may, if he thinks fit, by notice in writing given to that person exempt his transactions in those parts and accessories, so long as the notice is in force, from all or any of the requirements of section 40 of this Act and Schedule 4 thereto.

[F191]42 . . . . . .

Textual Amendments

F191 S. 42 repealed (1.10.1997) by 1997 c. 5, s. 52(2), **Sch. 3**; S.I. 1997/1535, art. 3(c), **Sch. Pt. II**

[F192][42A Information as to transactions under visitors' permits.

(1) A person who sells, lets on hire, gives or lends a shot gun with a magazine to another person who—

(a) shows that he is entitled to purchase or acquire the weapon as the holder of a visitor's shot gun permit under section 17 of the Firearms (Amendment) Act 1988; but

(b) fails to show that the purchase or acquisition falls within subsection (1A)(c) or (d) of that section (temporary acquisi tions or purchases or acquisitions by collectors etc.) or that he resides outside the member States,

shall, within forty-eight hours of the transaction, send **[**[F193]by permitted means**]** notice of the transaction to the chief officer of police who granted that permit.

(2) A notice under subsection (1) above shall—

(a) contain a description of the shot gun (giving the identification number if any);

(b) state the nature of the transaction (giving the name of the person to whom the gun has been sold, let on hire, given or lent, his address in the member State where he resides and the number and place of issue of his passport, if any); and

(c) set out the particulars of any licence granted for the purposes of an order made under section 1 of the Import, Export and Customs Powers (Defence) Act 1939 by virtue of which the transaction is authorised under section 17 of that Act of 1988.

[F194](2A) **[** A notice is sent by permitted means for the purposes of subsection (1) if it is sent—

(a) by registered post;

(b) by the recorded delivery service; or

(c) by permitted electronic means (see section 42B).**]**

(3) It is an offence for a person to fail to comply with this section.**]**

Textual Amendments

F192 S. 42A inserted (1.1.1993) by S.I. 1992/2823, **reg. 6(2)**

F193 Words in s. 42A(1) substituted (1.4.2011) by Firearms (Electronic Communications) Order 2011 (S.I. 2011/713), arts. 1(1), **2(2)(a)**

F194 S. 42A(2A) inserted (1.4.2011) by Firearms (Electronic Communications) Order 2011 (S.I. 2011/713), arts. 1(1), **2(2)(b)**

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[F195 42B. Permitted electronic means

(1) A notice is sent by permitted electronic means for the purposes of section 42A if—

(a) it is sent by an electronic form of communication which the Secretary of State has directed may be used for those purposes,

(b) it is sent to an electronic address which has been published pursuant to subsection (4), and

(c) subject to subsection (6), the electronic address has not been withdrawn in accordance with subsection (5).

(2) Before giving a direction under subsection (1)(a), the Secretary of State must consult—

(a) the Scottish Ministers,

(b) **[**F196 the National Police Chiefs' Council**]** ,

[F197 (c) the chief constable of the Police Service of Scotland, and**]**

(d) such other persons as the Secretary of State is satisfied should be consulted.

(3) The Secretary of State must publish directions given under subsection (1)(a).

(4) A chief officer of police must publish at least one electronic address for each form of electronic communication specified in a direction under subsection (1)(a).

(5) A chief officer of police may withdraw an electronic address published under subsection (4) by publishing a statement to that effect in the same manner as that in which the electronic address was published under subsection (4); but a chief officer of police may exercise the power to withdraw only if, after the withdrawal, there will still be at least one electronic address available for the form of electronic communication concerned.

(6) Where an electronic address has been withdrawn under subsection (5), a notice sent to that electronic address before the end of the period of 28 days beginning with the day after the date of withdrawal is to be treated as complying with subsection (1)(b).**]**

Textual Amendments

F195 S. 42B inserted (1.4.2011) by Firearms (Electronic Communications) Order 2011 (S.I. 2011/713), arts. 1(1), **2(3)**

F196 Words in s. 42B(2)(b) substituted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 14 paras. 6, **7(a)**; S.I. 2017/399, reg. 2, Sch. para. 41

F197 S. 42B(2)(c) substituted (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 2 para. 5(2)**

43 Power of Secretary of State to alter fees.

(1) Sections 32 and 35 of this Act may be amended by an order made by the Secretary of State so as to vary any sum specified thereby, or so as to provide that any sum payable thereunder shall cease to be so payable.

(2) An order made under this section may—

(a) be limited to such cases as may be specified by the order and may make different provision for different cases so specified; and

(b) be revoked or varied by a subsequent order so made.

Status: *Point in time view as at 16/05/2019. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Firearms Act 1968 is up to date with all changes known to be in force on or before 23 July 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)*

(3) The power to make orders under this section shall be exercisable by statutory instrument and any statutory instrument containing such an order shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Modifications etc. (not altering text)

C33 S. 43 modified by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), **ss. 11(4)**, 17(9)

C34 S. 43 extended (*prosp.*) by 1997 c. 5, **ss. 21(6)**, 53(3) (which amending s. 21(6) was repealed (17.12.1997) by 1997 c. 64, s. 2(7), **Sch.**; S.I. 1997/3114, art. 3, **Sch. Pt. I**)
S. 43 extended (*prosp.*) by 1988 c. 45, **s. 15A(3)** (as inserted (*prosp.*) by 1997 c. 5, **ss. 46**, 53(3)) (which amending s. 15A(3) of 1998 c. 45 and s. 46 of 1997 c. 5 were repealed (17.12.1997) by 1997 c. 64, s. 2(7), **Sch.**; S.I. 1997/3114, art. 3, **Sch. Pt. I**)

[F198 44 Appeals against police decisions.

(1) An appeal against a decision of a chief officer of police under section 28A, 29, 30A, 30B, 30C, 34, 36, 37 or 38 of this Act lies—
  (a) in England and Wales, to the Crown Court; and
  (b) in Scotland, to the sheriff.

(2) An appeal shall be determined on the merits (and not by way of review).

(3) The court or sheriff hearing an appeal may consider any evidence or other matter, whether or not it was available when the decision of the chief officer was taken.

F199 (3A) **[** The court or sheriff hearing an appeal must have regard to any guidance issued under section 55A that is relevant to the appeal.**]**

(4) In relation to an appeal specified in the first column of Part I of Schedule 5 to this Act, the third column shows the sheriff having jurisdiction to entertain the appeal.

(5) In Schedule 5 to this Act—
  (a) Part II shall have effect in relation to appeals to the Crown Court; and
  (b) Part III shall have effect in relation to appeals to the sheriff.**]**

Textual Amendments

F198 S. 44 substituted (1.7.1997) by 1997 c. 5, **s. 41(1)**; S.I. 1997/1535, art. 3(b), **Sch. Pt. I**

F199 S. 44(3A) inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 133(3)**, 183(1)(5)(e); S.I. 2017/399, reg. 2, Sch. para. 32

45 Consequences where registered dealer convicted of offence.

(1) Where a registered firearms dealer is convicted of an offence relevant for the purposes of this section the court may order—
  (a) that the name of the dealer be removed from the register; and
  (b) that neither the dealer nor any person who acquires his business, nor any person who took part in the management of the business and was knowingly a party to the offence, shall be registered as a firearms dealer; and
  (c) that any person who, after the date of the order, knowingly employs in the management of his business the dealer convicted of the offence or any person

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who was knowingly a party to the offence, shall not be registered as a firearms dealer or, if so registered, shall be liable to be removed from the register; and

(d) that any stock-in-hand of the business shall be disposed of by sale or otherwise in accordance with such directions as may be contained in the order.

(2) The offences relevant for the purposes of this section are:—

(a) all offences under this Act, except an offence under section 2, 22(3) or 24(3) or an offence relating specifically to air weapons; and

(b) offences against the **[**[F200]enactments for the time being in force relating to customs or excise**]** in respect of the import or export of firearms or ammunition to which section 1 of this Act applies, or of shot guns.

(3) A person aggrieved by an order made under this section may appeal against the order in the same manner as against the conviction, and the court may, if it thinks fit, suspend the operation of the order pending the appeal.

Textual Amendments

F200 Words substituted by Customs and Excise Management Act 1979 (c. 2, SIF 40:1), s. 177(1), **Sch. 4 para. 12**

PART III

LAW ENFORCEMENT AND PUNISHMENT OF OFFENCES

[[F201]**46 Power of search with warrant.**

(1) If a justice of the peace or, in Scotland, the sheriff, is satisfied by information on oath that there is reasonable ground for suspecting—

(a) that an offence relevant for the purposes of this section has been, is being, or is about to be committed; or

(b) that, in connection with a firearm or ammunition, there is a danger to the public safety or to the peace,

he may grant a warrant for any of the purposes mentioned in subsection (2) below.

(2) A warrant under this section may authorise a constable or civilian officer—

(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 there;

(b) to seize and detain anything 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 ground for suspecting—

(i) that an offence relevant for the purposes of this section has been, is being or is about to be committed; or

(ii) that in connection with a firearm, imitation firearm or ammunition there is a danger to the public safety or to the peace.

(3) The power of a constable or civilian officer under subsection (2)(b) above to seize and detain anything found on any premises or place shall include power to require any information which is **[**[F202]stored in any electronic form**]** and is accessible from the

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premises or place to be produced in a form in which it is visible and legible **[**[F203]or from which it can readily be produced in a visible and legible form**]** and can be taken away.

(4) The offences relevant for the purposes of this section are all offences under this Act except an offence under section 22(3) or an offence relating specifically to air weapons.

(5) It is an offence for any person intentionally to obstruct a constable or civilian officer in the exercise of his powers under this section.**]**

Textual Amendments

F201 S. 46 substituted (1.7.1997) by 1997 c. 5, **s. 43(1)**; S.I. 1997/1535, art. 3(a), **Sch. Pt. I**

F202 Words in s. 46(3) substituted (1.4.2003) by 2001 c. 16, ss. 70, 138(2), Sch. 2 Pt. II para. 15(a); S.I. 2003/708, **art. 2(k)**

F203 Words in s. 46(3) inserted (1.4.2003) by 2001 c. 16, ss. 70, 138(2), Sch. 2 Pt. II para. 15(b); S.I. 2003/708, **art. 2(k)**

Modifications etc. (not altering text)

C35 S. 46 extended (1.7.1997) by 1997 c. 5, **s. 50(4)**; S.I. 1997/1535, art. 3(b), **Sch. Pt. I**; S. 46: power of seizure extended (1.4.2003)
by 2001 c. 16, ss. 50, 52-54, 68, 138(2), Sch. 1 Pts. I, II paras. 8, 76; S.I. 2003/708, **art. 2(j)**
S. 46 modified (1.4.2003) by 2001 c. 16, ss. 55, 57(3), 68, 138(2), Sch. 1 Pt. III para. 91; S.I. 2003/708, **art. 2(j)**
S. 46 applied with modifcations (6.4.2007) by 2006 c. 38, **ss. 50(3)(a)**, 66(2); S.I. 2007/858, {art. 2(h)((ii)}

C36 S. 46(3) modified (1.4.2003) by 2001 c. 16, ss. 63, 138(2); S.I. 2003/708, **art. 2(a)**

47 Powers of constables to stop and search.

(1) A constable may require any person whom he has reasonable cause to suspect—
  (a) of having a firearm, with or without ammunition, with him in a public place; or
  (b) to be committing or about to commit, elsewhere than in a public place, an offence relevant for the purposes of this section,

to hand over the firearm or any ammunition for examination by the constable.

(2) It is an offence for a person having a firearm or ammunition with him to fail to hand it over when required to do so by a constable under subsection (1) of this section.

(3) If a constable has reasonable cause to suspect a person of having a firearm with him in a public place, or to be committing or about to commit, elsewhere than in a public place, an offence relevant for the purposes of this section, the constable may search that person and may detain him for the purpose of doing so.

(4) If a constable has reasonable cause to suspect that there is a firearm in a vehicle in a public place, or that a vehicle is being or is about to be used in connection with the commission of an offence relevant for the purposes of this section elsewhere than in a public place, he may search the vehicle and for that purpose require the person driving or in control of it to stop it.

(5) For the purpose of exercising the powers conferred by this section a constable may enter any place.

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(6) The offences relevant for the purpose of this section are those under sections 18(1) and (2) and 20 of this Act.

48 Production of certificates.

(1) A constable may demand, from any person whom he believes to be in possession of a firearm or ammunition to which section 1 of this Act applies, or of a shot gun, the production of his firearm certificate or, as the case may be, his shot gun certificate.

F204**[**(1A) Where a person upon whom a demand has been made by a constable under subsection (1) above and whom the constable believes to be in possession of a firearm fails—

(a) to produce a firearm certificate or, as the case may be, a shot gun certificate;

(b) to show that he is a person who, by reason of his place of residence or any other circumstances, is not entitled to be issued with a document identifying that firearm under any of the provisions which in the other member States correspond to the provisions of this Act for the issue of European firearms passes; or

(c) to show that he is in possession of the firearm exclusively in connection with the carrying on of activities in respect of which, he or the person on whose behalf he has possession of the firearm, 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,

the constable may demand from that person the production of a document which has been issued to that person in another member State under any such corresponding provisions, identifies that firearm as a firearm to which it relates and is for the time being valid.**]**

(2) If a person upon whom a demand is made under this section fails to produce the certificate **[**F205or document**]** or to permit the constable to read it, or to show that he is entitled by virtue of this Act to have the firearm, ammunition or shot gun in his possession without holding a certificate, the constable may seize and detain the firearm, ammunition or shot gun and may require the person to declare to him immediately his name and address.

(3) If under this section a person is required to declare to a consta ble his name and address, it is an offence for him to refuse to declare it or to fail to give his true name and address.

F206**[**(4) It is an offence for a person who is in possession of a firearm to fail to comply with a demand under subsection (1A) above.**]**

Textual Amendments

F204 S. 48(1A) inserted (1.1.1993) by S.I. 1992/2823, **reg. 7(2)**

F205 Words in s. 48(2) inserted (1.1.1993) by S.I. 1992/2823, **reg. 7(3)**

F206 s. 48(4) inserted (1.1.1993) by S.I. 1992/2823, **reg. 7(4)**

49 Police powers in relation to arms traffic.

(1) **[**F207A constable**]** may search for and seize any firearms or ammunition which he has reason to believe are being removed, or to have been removed, in contravention of

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an order made under section 6 of this Act or of a corresponding Northern Irish order within the meaning of subsection (3)(c) of that section.

(2) A person having the control or custody of any firearms or ammunition in course of transit shall, on demand by a constable, allow him all reasonable facilities for the examination and inspection thereof and shall produce any documents in his possession relating thereto.

(3) It is an offence for a person to fail to comply with subsection (2) of this section.

Textual Amendments

F207 Words substituted by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), **s. 23(3)**

[F208]50 Special powers of arrest.

. . . . . .

Textual Amendments

F208 S. 50 repealed: (E.W.) by Police and Criminal Evidence Act 1984 (c. 60, SIF 95), s. 121(1), **Sch. 7 Pt. 1**; and (S.) (25.1.2018) by Criminal Justice (Scotland) Act 2016 (asp 1), s. 117(2), **sch. 2 para. 6**; S.S.I. 2017/345, art. 3, sch.

51 Prosecution and punishment of offences.

(1) Part I of Schedule 6 to this Act shall have effect with respect to the way in which offences under this Act are punishable on conviction.

(2) In relation to an offence under a provision of this Act specified in the first column of the Schedule (the general nature of the offence being described in the second column),—

(a) the third column shows whether the offence is punishable on summary conviction or on indictment or either in one way or the other; and

(b) the fourth column shows the maximum punishment by way of fine or imprisonment under this Act which may be imposed on a person convicted of the offence in the way specified in relation thereto in the third column (that is to say, summarily or on indictment), any reference in the fourth column to a period of years or months being construed as a reference to a term of imprisonment of that duration.

(3) The provisions contained in Part II of Schedule 6 to this Act (being provisions as to the inclusion in an indictment in Scotland of certain summary offences, the punishments which may be imposed when a person is convicted of more than one offence arising out of the same set of circumstances, alternative verdicts and the orders which, in certain cases, a court may make when a person is convicted by or before it) shall have effect in relation to such of the offences specified in Part I of that Schedule as are indicated by entries against those offences in the fifth column of that Part.

(4) Notwithstanding **[**[F209]section 127(1) of the Magistrates' Courts Act 1980**]** or **[**[F210]section 331 of the [M7]Criminal Procedure (Scotland) Act 1975**]** (limitation of time for taking proceedings) summary proceedings for an offence under this Act, other than

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an offence under section 22(3) or an offence relating specifically to air weapons, may be instituted at any time within four years after the commission of the offence:

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

Textual Amendments

F209 Words substituted by Magistrates' Courts Act 1980 (c. 43, SIF 82), s. 154, **Sch. 7 para. 72**

F210 Words substituted by virtue of Criminal Procedure (Scotland) Act 1975 (c. 21), **s. 460(1)(b)**

Modifications etc. (not altering text)

C37 S. 51(4) applied by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), **s. 25(5)**

C38 S. 51(4) extended (1.7.1997) by 1997 c. 5, **s. 50(4)**; S.I. 1997/1535, art. 3(b), **Sch. Pt. I**

C39 S. 51(4) applied with modifications (6.4.2007) by 2006 c. 38, **ss. 50(3)(b)**, 66(2); S.I. 2007/858, **art. 2(h)(ii)**

Marginal Citations

M7 1975 c. 21.

[F211 51A Minimum sentence for certain offences under s. 5

(1) This section applies where—

(a) an individual is convicted of—

(i) an offence under section 5(1)(a), (ab), (aba), (ac), (ad), (ae), (af) or (c) of this Act, F212. . .

(ii) an offence under section 5(1A)(a) of this Act, **[**F213or**]**

F214(iii) **[** an offence under any of the provisions of this Act listed in subsection (1A) in respect of a firearm or ammunitionspecified in section 5(1)(a), (ab), (aba), (ac), (ad), (ae),(af) or (c) or section 5(1A)(a) of this Act, and**]**

(b) the offence was committed after the commencement of this section and at a time when he was aged 16 or over.

F215(1A) **[** The provisions are—

F216(za) **[** section 5(2A) (manufacture, sale or transfer of firearm, or possession etc for sale or transfer);**]**

(a) section 16 (possession of firearm with intent to injure);

(b) section 16A (possession of firearm with intent to cause fear of violence);

(c) section 17 (use of firearm to resist arrest);

(d) section 18 (carrying firearm with criminal intent);

(e) section 19 (carrying a firearm in a public place);

(f) section 20(1)(trespassing in a building with firearm).**]**

(2) The court shall impose an appropriate custodial sentence (or order for detention) for a term of at least the required minimum term (with or without a fine) unless the court is of the opinion that there are exceptional circumstances relating to the offence or to the offender which justify its not doing so.

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(3) Where an offence is found to have been committed over a period of two or more days, or at some time during a period of two or more days, it shall be taken for the purposes of this section to have been committed on the last of those days.

(4) In this section "appropriate custodial sentence (or order for detention)" means—

(a) in relation to England and Wales—

(i) in the case of an offender who is aged 18 or over when convicted, a sentence of imprisonment, and

(ii) in the case of an offender who is aged under 18 at that time, a sentence of detention under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000;

(b) in relation to Scotland—

(i) in the case of an offender who is aged 21 or over when convicted, a sentence of imprisonment,

(ii) in the case of an offender who is aged under 21 at that time (not being an offender mentioned in sub-paragraph (iii)), a sentence of detention under section 207 of the Criminal Procedure (Scotland) Act 1995, and

(iii) in the case of an offender who is aged under 18 at that time and is subject to a supervision requirement, an order for detention under section 44, or sentence of detention under section 208, of that Act.

(5) In this section "the required minimum term" means—

(a) in relation to England and Wales—

(i) in the case of an offender who was aged 18 or over when he committed the offence, five years, and

(ii) in the case of an offender who was under 18 at that time, three years, and

(b) in relation to Scotland—

(i) in the case of an offender who was aged 21 or over when he committed the offence, five years, and

(ii) in the case of an offender who was aged under 21 at that time, three years.**]**

Textual Amendments

F211 S. 51A inserted (22.1.2004) by Criminal Justice Act 2003 (c. 44), **ss. 287**, 336; S.I. 2004/81, **art. 3**

F212 Word in s. 51A(1)(a)(i) repealed (6.4.2007) by Violent Crime Reduction Act 2006 (c. 38), ss. 65, 66(2), **Sch. 5**; S.I. 2007/858, **art. 2(n)(i)**

F213 Word in s. 51A(1)(a)(ii) substituted (6.4.2007) by Violent Crime Reduction Act 2006 (c. 38), **ss. 30(2)(a)(5)**, 66(2); S.I. 2007/858, **art. 2(d)**

F214 S. 51A(1)(a)(iii) inserted (6.4.2007) by Violent Crime Reduction Act 2006 (c. 38), **ss. 30(2)(b)(5)**, 66(2); S.I. 2007/858, **art. 2(d)**

F215 S. 51A(1A) inserted (6.4.2007) by Violent Crime Reduction Act 2006 (c. 38), **ss. 30(3)(5)**, 66(2); S.I. 2007/858, **art. 2(d)**

F216 S. 51A(1A)(za) inserted (14.7.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), **ss. 108(6)**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 6(a)

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Modifications etc. (not altering text)

C40 S. 51A applied in part (with modifications) (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by Armed Forces Act 2006 (c. 52), **ss. 227**, 383(2) (with s. 385); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

C41 S. 51A applied in part (with modifications) (prosp.) by Armed Forces Act 2006 (c. 52), **ss. 227**, 383 (with s. 385)

C42 S. 51A(1)(b): power to modify conferred (22.1.2004) by Criminal Justice Act 2003 (c. 44), **ss. 291(1)(a)**, 336; S.I. 2004/81, **art. 3**

C43 S. 51A(4)(a) modified (E.W.) (28.5.2007) by The Firearms (Sentencing) (Transitory Provisions) Order 2007 (S.I. 2007/1324), **art. 2**

52 Forfeiture and disposal of firearms; cancellation of certificate by convicting court.

(1) Where a person—

(a) is convicted of an offence under this Act (other than an offence under section 22(3) or an offence relating specifically to air weapons) or is convicted of a crime for which he is sentenced to imprisonment, . . . [F217] or detention in a detention centre or **[**[F218]in a young offenders' institution**]** in Scotland **[**[F219]or is subject to a **[**[F220]detention and training order**]]**; or

(b) has been ordered to enter into a recognizance to keep the peace or to be of good behaviour, a condition of which is that he shall not possess, use or carry a firearm; or

(c) is subject to a **[**[F221]community order**]** containing a requirement that he shall not possess, use or carry a firearm; or

(d) has, in Scotland, been ordained to find caution a condition of which is that he shall not possess, use or carry a firearm,

the court by or before which he is convicted, or by which 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 thinks fit and may cancel any firearm certificate or shot gun certificate held by him.

[[F222](1ZA) Where—

(a) a person is convicted as mentioned in subsection (1)(a) by or before a court in England and Wales, or

(b) an order of the kind mentioned in subsection (1)(b) or (c) is made in relation to a person by a court in England and Wales,

the court may cancel any air weapon certificate granted to the person under section 5 of the Air Weapons and Licensing (Scotland) Act 2015 which has not expired or been revoked or cancelled.

(1ZB) Where a person is convicted of an offence under Part 1 of the Air Weapons and Licensing (Scotland) Act 2015, the court by or before which the person is convicted may make such order as to the forfeiture or disposal of any firearm (other than an air weapon within the meaning of section 1 of that Act) or ammunition found in the person's possession as the court thinks fit.**]**

[[F223](1A) In subsection (1)(c) "community order" means—

(a) a community order within the meaning of Part 12 of the Criminal Justice Act 2003 **[**[F224], or a youth rehabilitation order within the meaning of Part 1 of the Criminal Justice and Immigration Act 2008,**]** made in England and Wales, or

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[[F225](b) a community payback order under section 227A of the Criminal Procedure (Scotland) Act 1995 (c.46).**]**

(2) Where the court cancels a 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) it is an offence for the holder to fail to surrender the certificate within twenty-one days from the date of the notice given him by the chief officer of police.

(3) A constable may seize and detain any firearm or ammunition which may be the subject of an order for forfeiture under this section.

(4) 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 constable under this Act to be destroyed or otherwise disposed of.

[F226](5) **[** In this section references to ammunition include references to a primer to which section 35 of the Violent Crime Reduction Act 2006 applies and to an empty cartridge case incorporating such a primer.**]]**

Textual Amendments

F217 Words repealed by Criminal Justice Act 1988 (c. 33, SIF 39:1), **ss. 123(6)**. 170(2), Sch. 8 para. 16, Sch. 16

F218 Words in s. 52(1)(a) repealed (*prosp.*) by virtue of 2000 c. 43, ss. 75, 80, **Sch. 8**

F219 Words in s. 52(1)(a) inserted (1.3.1998) by 1994 c. 33, s. 168(2), **Sch. 10 para. 24(3)**; S.I. 1998/277, **art. 3(2)**

F220 S. 52(1): words "detention and training order" substituted for "secure training order" (E.W.) (1.4.2000) by 1998 c. 37, s. 119, **Sch. 8 para. 15**; S.I. 1999/3426, **art. 3(b)**

F221 Words in s. 52(1)(c) substituted (4.4.2005) by Criminal Justice Act 2003 (c. 44), ss. 304, 336(3), **Sch. 32 para. 13(2)**; S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(7) (subject to art. 2(2), Sch. 2)

F222 S. 52(1ZA)(1ZB) inserted (10.4.2017) by The Air Weapons and Licensing (Scotland) Act 2015 (Consequential Provisions) Order 2017 (S.I. 2017/452), arts. 1(2), **3**

F223 S. 52(1A) inserted (4.4.2005) by Criminal Justice Act 2003 (c. 44), ss. 304, 336(3), **Sch. 32 para. 13(3)**; S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(7) (subject to art. 2(2), Sch. 2)

F224 Words in s. 52(1A)(a) inserted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 7** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(iii)

F225 S. 52(1A)(b) substituted (1.2.2011) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), s. 206(1), **sch. 2 para. 30(3)**; S.S.I. 2010/413, art. 2, sch. (with art. 3(1))

F226 S. 52(5) inserted (6.4.2007) by Violent Crime Reduction Act 2006 (c. 38), ss. {50(5)}, 66(2); S.I. 2007/858, **art. 2(h)(i)**

Modifications etc. (not altering text)

C44 S. 52 applied by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), **s. 25(5)**

C45 S. 52 applied with modifications (6.4.2007) by Violent Crime Reduction Act 2006 (c. 38), **ss. 50(3)(c)**, 66(2); S.I. 2007/858, **art. 2(h)(ii)**

C46 S. 52 extended (1.7.1997) by 1997 c. 5, **s. 50(4)**; S.I. 1997/1535, art. 3(b), **Sch. Pt. I**

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Changes to legislation: *Firearms Act 1968 is up to date with all changes known to be in force on or before 23 July 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)*

PART IV

MISCELLANEOUS AND GENERAL

53 Rules for implementing this Act.

[[F227](1)**]** 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.

[[F228](2) A statutory instrument containing (whether alone or with other provision) rules under this section which prescribe conditions of the kind mentioned in section 27A(2) (conditions for storage etc of certain firearms) is subject to annulment in pursuance of a resolution of either House of Parliament.**]**

Textual Amendments

F227 S. 53(1): s. 53 renumbered as s. 53(1) (16.5.2019) by Offensive Weapons Act 2019 (c. 17), **ss. 61(3)(a)**, 70(5)(l)

F228 S. 53(2) inserted (16.5.2019) by Offensive Weapons Act 2019 (c. 17), **ss. 61(3)(b)**, 70(5)(l)

Modifications etc. (not altering text)

C47 Ss. 53–56 amended by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), **s. 25(6)**

C48 S. 53 extended (1.7.1997) bt 1997 c. 5, **s. 50(5)**; S.I. 1997/1535, art. 3(b), **Sch. Pt. I**

54 Application of Parts I and II to Crown servants.

(1) Sections 1, 2, 7 to 13 and **[**[F229]26A 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 **[**[F230]section 26A**]** 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.

[[F231](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 person shall be deemed to be in the service of Her Majesty if he is—

(a) a member of a police force, or

[[F232](b) a civilian officer, [F233]...**]**

Status: *Point in time view as at 16/05/2019. This version of this Act contains provisions that are prospective.*
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[F234(ba) a community support volunteer or a policing support volunteer designated under section 38 of the Police Reform Act 2002 by the chief constable of a police force in England and Wales,**]**

F233(c) . . . . . .

F235(d) . . . . . **[**F236, or

(e) a member of the British Transport Police Force, or

(f) a person employed by the British Transport Police Authority who is under the direction and control of the Chief Constable of the British Transport Police Force.**][**F237, or

(g) a community support volunteer or a policing support volunteer designated under section 38 of the Police Reform Act 2002 (as it applies by virtue of section 28 of the Railways and Transport Safety Act 2003) by the Chief Constable of the British Transport Police Force.**]**

F238(3A) . . . . . .

[For the purposes of this section and of any rule of law whereby any provision of this F239(3AA) Act does not bind the Crown—

(a) a member of the Civil Nuclear Constabulary shall be deemed to be a person in the service of Her Majesty; and

(b) references to the public service shall be deemed to include references to use by a person in the exercise and performance of his powers and duties as a member of the Civil Nuclear Constabulary.**]**

F238(3B) . . . . . .

[For the purposes of this section and any rule of law whereby any provision of this Act F240(4) does not bind the Crown, the persons specified in subsection (5) of this section shall be deemed to be in the naval, military or air service of Her Majesty, insofar as they are not otherwise in, or treated as being in, any such service.

(5) The persons referred to in subsection (4) of this section are the following—

(a) members of any foreign force when they are serving with any of the naval, military or air forces of Her Majesty;

(b) members of any cadet corps approved by the Secretary of State when—

(i) they are engaged as members of the corps F241. . . in connection with, drill or **[**F242target shooting**]**; and

(ii) in the case of possession of prohibited weapons or prohibited ammunition when engaged in **[**F242target shooting**]**, they are on service premises; and

(c) persons providing instruction to any members of a cadet corps who fall within paragraph (b).

(6) In subsection (5) of this section—

"foreign force" means any of the naval, military or air forces of a country other than the United Kingdom; and

"service premises" means premises, including any ship or aircraft, used for any purpose of any of the naval, military or air forces of Her Majesty.**]]**

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Textual Amendments

F229 Words in s. 54(1) substituted (1.7.1997) by 1997 c. 5, s. 52(1), **Sch. 2 para. 10**; S.I. 1997/1535, art. 3(b), **Sch. Pt. I**

F230 Words in s. 54(2)(b) substituted (1.7.1997) by 1997 c. 5, s. 52(1), **Sch. 2 para. 11**; S.I. 1997/1535, art. 3(b), **Sch. Pt. I**

F231 S. 54(3) substituted (1.10.1994) by 1994 c. 29, **s. 42**; S.I. 1994/2025, **art. 5(2)(g)**

F232 S. 54(3)(b) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 90**; S.I. 2011/3019, art. 3, Sch. 1

F233 S. 54(3)(c) and preceding word omitted (7.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 19**; S.I. 2013/1682, art. 3(v)

F234 S. 54(3)(ba) inserted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 39(2)(a)**, 183(1)(5)(e); S.I. 2017/1139, reg. 2(e) (as amended by S.I. 2017/1162, reg. 2)

F235 S. 54(3)(d) omitted (1.4.2013) by virtue of The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 2 para. 5(3)**

F236 S. 54(3)(e)(f) and word inserted (13.5.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), **ss. 112(1)**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 8

F237 S. 54(3)(g) and word inserted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 39(2)(b)**, 183(1)(5)(e); S.I. 2017/1139, reg. 2(e) (as amended by S.I. 2017/1162, reg. 2)

F238 S. 54(3A)(3B) repealed (13.5.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), **ss. 112(2)(a)**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 8

F239 S. 54(3AA) inserted (1.4.2005) by Energy Act 2004 (c. 20), ss. 69, 198(2), **Sch. 14 para. 3**, S.I. 2005/877, {art. 2(1)}, Sch. 1

F240 S. 54(4)-(6) added (1.4.1997) by 1996 c. 46, **s. 28(1)**; S.I. 1997/304, **art. 2**

F241 Words in s. 54(5)(b) repealed (1.10.1997) by 1997 c. 5, s. 52(2), **Sch. 3**; S.I. 1997/1535, **art. 3(c)**

F242 Words in s. 54(5)(b) substituted (1.10.1997) by 1997 c. 5, s. 52(1), **Sch. 2 para. 3**; S.I. 1997/1535, art. 3(c), **Sch. Pt. II**

Modifications etc. (not altering text)

C49 Ss. 53–56 amended by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), **s. 25(6)**

C50 S. 54 extended with modification by Atomic Energy Authority (Special Constables) Act 1976 (c. 23), **s. 1**

C51 S. 54 extended (1.7.1997) by 1997 c. 5, **s. 50(5)**; S.I. 1997/1535, art. 3(b), **Sch. Pt. I**

C52 S. 54 amended (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), ss. 73, 120(1), **Sch. 5 para. 4(1)(a)(2)(b)**; S.I. 2004/1572, **art. 3(ddd)(jjj)**

C53 S. 54(3) extended (which shall come into force on the date notified in the London, Edinburgh and Belfast Gazettes) by S.I. 1993/1813, **art. 7(2)** (as amended (on the date notified in the London, Edinburgh and Belfast Gazettes) by 2001/1544, arts. 1(2), 3(2))
S. 54(3) extended (which shall come into force on the date notified in the London, Edinburgh and Belfast Gazettes) by S.I. 2003/2818, **art. 9**

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.

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(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.

Modifications etc. (not altering text)

C54 Ss. 53–56 amended by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), **s. 25(6)**

C55 S. 55 extended (1.7.1997) by 1997 c. 5, **s. 50(5)**; S.I. 1997/1535, art. 3(b), **Sch. Pt. I**

[F243 55A Guidance as to exercise of police functions

(1) The Secretary of State may issue guidance to chief officers of police as to the exercise of their functions under, or in connection with, this Act.

(2) The Secretary of State may revise any guidance issued under this section.

(3) The Secretary of State must arrange for any guidance issued under this section, and any revision of it, to be published.

(4) A chief officer of police must have regard to any guidance issued under this section.

(5) Before issuing guidance under this section, the Secretary of State must consult—

(a) the National Police Chiefs' Council, and

(b) the chief constable of the Police Service of Scotland.**]**

Textual Amendments

F243 S. 55A inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 133(2)**, 183(1)(5)(e); S.I. 2017/399, reg. 2, Sch. para. 32

[F244 56 Service of notices

(1) Any notice required or authorised by this Act to be given to a person (A) may be sent—

(a) by registered post,

(b) by the recorded delivery service, or

(c) subject to subsections (3) and (4), by electronic means.

(2) For the purposes of subsection (1)(a) or (b) the notice must be sent in a letter—

(a) addressed to A at A's last or usual place of abode, or

(b) where A is a registered firearms dealer, addressed to A at any place of business in respect of which A is registered.

(3) Subsection (1)(c) applies only to notices required or authorised to be given by a chief officer of police, the Secretary of State or the Scottish Ministers.

(4) A notice may be sent by electronic means only if—

(a) the person to whom the notice is to be sent (A) has given a written statement to the chief officer of police, the Secretary of State or the Scottish Ministers (as the case may be) consenting to receive notices under this Act in an electronic form,

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(b) that statement specifies the electronic form (or forms) that may be used and an electronic address for each form,

(c) subject to subsection (7), the statement has not been withdrawn in accordance with subsection (5)(b), and

(d) the notice is sent to the electronic address specified in the statement for that form.

(5) A statement given for the purposes of subsection (4)(a) may—

(a) be limited to notices of a description specified in the statement;

(b) be withdrawn by giving a further written statement to the person to whom it was given.

(6) A statement given for the purposes of subsection (4)(a) or (5)(b) may not be given by electronic means.

(7) Where a statement given for the purposes of subsection (4)(a) has been withdrawn under subsection (5)(b), a notice sent in accordance with that statement before the end of the period of 28 days beginning with the day after the date of the withdrawal is to be treated as complying with subsection (4)(c).**]**

Textual Amendments

F244 S. 56 substituted (1.4.2011) by Firearms (Electronic Communications) Order 2011 (S.I. 2011/713), arts. 1(1), **2(4)**

57 Interpretation.

(1) **[**[F245]In this Act, the expression "firearm" means—

(a) a lethal barrelled weapon (see subsection (1B));

(b) a prohibited weapon;

(c) a relevant component part in relation to a lethal barrelled weapon or a prohibited weapon (see subsection (1D));

(d) an accessory to a lethal barrelled weapon or a prohibited weapon where the accessory is 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.

[[F246](1A) . . . . . .**]**

[[F247](1B) In subsection (1)(a), "lethal barrelled weapon" means a barrelled weapon of any description from which a shot, bullet or other missile, with kinetic energy of more than one joule at the muzzle of the weapon, can be discharged.

(1C) Subsection (1) is subject to section 57A (exception for airsoft guns).**]**

[[F248](1D) For the purposes of subsection (1)(c), each of the following items is a relevant component part in relation to a lethal barrelled weapon or a prohibited weapon—

(a) a barrel, chamber or cylinder,

(b) a frame, body or receiver,

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(c) a breech block, bolt or other mechanism for containing the pressure of discharge at the rear of a chamber,

but only where the item is capable of being used as a part of a lethal barrelled weapon or a prohibited weapon.**]**

(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.

[[F249](2A) In this Act "self-loading" and "pump-action" in relation to any weapon mean respectively that it is designed or adapted (otherwise than as mentioned in section 5(1)(a)) so that it is automatically re-loaded or that it is so designed or adapted that it is re–loaded by the manual operation of the fore–end or forestock of the weapon.

(2B) In this Act "revolver", in relation to a smooth-bore gun, means a gun containing a series of chambers which revolve when the gun is fired.**]**

(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 **[**[F250]22(4), 22(5), 23(1)**][**[F250]21A(1A)**][**[F251], 24(4) and 24ZA(1)**]** .

(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;

[F252]**[**"another member State" means a member State other than the United Kingdom, and "other member States"shall be construed accordingly;**]**

"area" means a police area;

[F253]**[**"Article 7 authority" means a document issued by virtue of section 32A(1)(b) or (2) of this Act;**]**

[[F254]"British Transport Police Force" means the constables appointed under section 53 of the British Transport Commission Act 1949;**]**

"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 [M8]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;

[[F255]"civilian officer" means—

(a) as respects England and Wales—

((i)) a person employed by a chief constable established under section 2 of the Police Reform and Social Responsibility Act 2011,

((ii)) a person employed by the Commissioner of Police of the Metropolis, or

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((iii)) a person employed by the Corporation of the City of London who is under the direction and control of the Commissioner of Police for the City of London;

(b) as respects Scotland, a **[**[F256]member of police staff within the meaning of the Police and Fire Reform (Scotland) Act 2012**]** ;**]**

[F257]**[**"European firearms pass" means a document to which the holder of a certificate under this Act is entitled by virtue of section 32A(1)(a) of this Act;

[M9]"European weapons directive" means the directive of the Council of the European Communities No.91/477/EEC (directive on the control of the acquisition and possession of weapons);**]**

"firearms dealer" means a person who, by way of trade or business,

(a) **[**[F258]manufactures, sells, transfers, repairs, tests or proves firearms or ammunition to which section 1 of this Act applies orshot guns; or

(b) **[**[F259]sells or transfers**][**[F259]manufactures, sells, transfers, repairs or tests**]** air weapons.**]**

"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;

[[F260]"member of a police force" means—

(a) as respects England and Wales, a constable who is a member of a police force or a special constable appointed under section 27 of the Police Act 1996;

(b) as respects Scotland, a constable within the meaning of section 99 of the Police and Fire Reform (Scotland) Act 2012 (2012 asp 8);

"member of the British Transport Police Force" includes a special constable appointed under section 25 of the Railways and Transport Safety Act 2003;**]**

[F261] . . . . . .

"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 **[**[F262]highway**][**[F262]road within the meaning of the Roads (Scotland) Act 1984)**]** 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) [M10]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;

[[F263]"rifle"includes carbine;**]**

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"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.

F264**[**(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.**]**

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

(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.

Textual Amendments

F245 Words in s. 57(1) substituted (31.1.2017 for specified purposes, 2.5.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 125(2)**, 183(1)(5)(e); S.I. 2017/399, reg. 4(b)

F246 S. 57(1A) repealed (1.2.1998) by 1997 c. 64, s. 2(7), **Sch.**; S.I. 1997/3114, art. 4, **Sch. Pt. II**

F247 S. 57(1B)(1C) inserted (31.1.2017 for specified purposes, 2.5.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 125(3)**, 183(1)(5)(e); S.I. 2017/399, reg. 4(b)

F248 S. 57(1D) inserted (31.1.2017 for specified purposes, 2.5.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 125(4)**, 183(1)(5)(e); S.I. 2017/399, reg. 4(b)

F249 Ss. 57(2A)(2B) inserted by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), **s. 25(2)**

F250 Words in s. 57(3) substituted (S.) (31.12.2016) by Air Weapons and Licensing (Scotland) Act 2015 (asp 10), s. 88(2), **sch. 2 para. 1(8)(a)**; S.S.I. 2016/130, art. 3(c)

F251 Words in s. 57(3) substituted (10.2.2011) by Crime and Security Act 2010 (c. 17), **ss. 46(3)**, 59(1); S.I. 2011/144, art. 2

F252 Definition in s. 57(4) inserted (1.1.1993) by S.I. 1992/2823, **reg. 5(2)(a)**

F253 Definition in s. 57(4) inserted (1.1.1993) by S.I. 1992/2823, **reg. 5(2)(b)**

F254 Definition of "British Transport Police Force" in s. 57(4) inserted (14.12.2001) by 2001 c. 24, s. 101, **Sch. 7 para. 10**

F255 Words in s. 57(4) substituted (S.) (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 91**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 22)

Status: *Point in time view as at 16/05/2019. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Firearms Act 1968 is up to date with all changes known to be in force on or before 23 July 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)*

F256 Words in s. 57(4) substituted (S.) (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 2 para. 5(4)**

F257 Definitions in s. 57(4) inserted (1.1.1993) by S.I. 1992/2823, **reg. 5(2)(c)**

F258 S. 57(4): words in definition of "firearms dealer" substituted (6.4.2007 for certain purposes and 1.10.2007 otherwise) by Violent Crime Reduction Act 2006 (c. 38), **ss. 31(3)**, 66(2); S.I. 2007/858, **art. 2(e)**; S.I. 2007/2180, **art. 4(a)**

F259 Words in s. 57(4) substituted (S.) (31.12.2016) by Air Weapons and Licensing (Scotland) Act 2015 (asp 10), s. 88(2), **sch. 2 para. 1(8)(b)**; S.S.I. 2016/130, art. 3(c)

F260 Words in s. 57(4) inserted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 39(3)**, 183(1)(5)(e); S.I. 2017/1139, reg. 2(e) (as amended by S.I. 2017/1162, reg. 2)

F261 Definition of "indictable offence" repealed by Criminal Law Act 1977 (c. 45), **Sch. 13**

F262 Words "road (within the meaning of the Roads (Scotland) Act 1984)" substituted (S.) for "highway" by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 156(1), **Sch. 9 para. 62**

F263 Words inserted by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), **s. 25(3)**

F264 S. 57(4A) inserted (1.1.1993) by S.I. 1992/2823, **reg. 3(5)**

Modifications etc. (not altering text)

C56 S. 57 amended (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), ss. 73, 120(1), **Sch. 5 para. 4(1)(a)(2)(b)**; S.I. 2004/1572, **art. 3(ddd)(jjj)**

Marginal Citations

M8 1920 c. 43.

M9 OJ No. L256, 13.9.91, p.51.

M10 1920 c. 43.

[F265 57A Exception for airsoft guns

(1) An "airsoft gun" is not to be regarded as a firearm for the purposes of this Act.

(2) An "airsoft gun" is a barrelled weapon of any description which—

(a) is designed to discharge only a small plastic missile (whether or not it is also capable of discharging any other kind of missile), and

(b) is not capable of discharging a missile (of any kind) with kinetic energy at the muzzle of the weapon that exceeds the permitted level.

(3) "Small plastic missile" means a missile that—

(a) is made wholly or partly from plastics,

(b) is spherical, and

(c) does not exceed 8 millimetres in diameter.

(4) The permitted kinetic energy level is—

(a) in the case of a weapon which is capable of discharging two or more missiles successively without repeated pressure on the trigger, 1.3 joules;

(b) in any other case, 2.5 joules.]

Textual Amendments

F265 S. 57A inserted (31.1.2017 for specified purposes, 2.5.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 125(5)**, 183(1)(5)(e); S.I. 2017/399, reg. 4(b)

Status: *Point in time view as at 16/05/2019. This version of this Act contains provisions that are prospective.*
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[F266 57B Power to amend section 57(1D)

(1) The Secretary of State may by regulations made by statutory instrument amend section 57(1D) so as to make different provision for the purposes of section 57(1)(c) about the meaning of a relevant component part in relation to a lethal barrelled weapon or a prohibited weapon.

(2) Regulations under this section may include—
  (a) incidental, supplementary or consequential provision;
  (b) transitional, transitory or saving provision.

(3) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.]

Textual Amendments

F266 S. 57B inserted (31.1.2017 for specified purposes, 2.5.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 125(6)**, 183(1)(5)(e); S.I. 2017/399, reg. 4(b)

58 Particular savings.

(1) 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 [M11]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) [F267Apart from—
  (a) [F268section 21][F268sections 19, 20 and 21] and Schedule 3, and
  (b) any other provision of this Act so far as it applies in relation to an offence under [F269section 21][F269section 19, 20 or 21] ,

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.

[F270(2A) For the purposes of subsection (2), a firearm is an "antique firearm" if—
  (a) either the conditions in subsection (2B) are met or the condition in subsection (2C) is met, and
  (b) if an additional condition is specified in regulations under subsection (2D), that condition is also met.

(2B) The conditions in this subsection are that—
  (a) the firearm's chamber or, if the firearm has more than one chamber, each of its chambers is either—
    (i) a chamber that the firearm had when it was manufactured, or
    (ii) a replacement for such a chamber that is identical to it in all material respects;
  (b) the firearm's chamber or (as the case may be) each of the firearm's chambers is designed for use with a cartridge of a description specified in regulations

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made by statutory instrument by the Secretary of State (whether or not it is also capable of being used with other cartridges).

(2C) The condition in this subsection is that the firearm's propulsion system is of a description specified in regulations made by statutory instrument by the Secretary of State.

(2D) The Secretary of State may by regulations made by statutory instrument specify either of the following conditions for the purposes of subsection (2A)(b)—

(a) a condition that a number of years specified in the regulations has elapsed since the date on which the firearm was manufactured;

(b) a condition that the firearm was manufactured before a date specified in the regulations.

(2E) In its application to Scotland, subsection (2C) does not apply in relation to a firearm that is an air weapon.

(2F) Regulations under subsection (2B), (2C) or (2D) may make different provision for different purposes.

(2G) Subject to subsection (2H), a statutory instrument containing regulations under subsection (2B), (2C) or (2D) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

(2H) A statutory instrument containing regulations under subsection (2B) or (2C) which contain only provision amending regulations previously made under that subsection so as to remove a description of cartridge or a description of propulsion system from the descriptions specified in those regulations is subject to annulment in pursuance of a resolution of either House of Parliament.**]**

(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.

Textual Amendments

F267 Words in s. 58(2) substituted (14.7.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), **ss. 110(2)**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 6(c)

F268 Words in s. 58(2)(a) substituted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), **ss. 126(3)(a)**, 183(1)(5)(e)

F269 Words in s. 58(2)(b) substituted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), **ss. 126(3)(b)**, 183(1)(5)(e)

F270 S. 58(2A)-(2H) inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), **ss. 126(2)**, 183(1)(5)(e)

Status: *Point in time view as at 16/05/2019. This version of this Act contains provisions that are prospective.*
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Modifications etc. (not altering text)

C57 S. 58 amended by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), **s. 25(6)**

C58 S. 58 applied with modifications (6.4.2007) by Violent Crime Reduction Act 2006 (c. 38), **ss. 50(3)(d)**, 66(2); S.I. 2007/858, **art. 2(h)(ii)**

C59 S. 58 extended (1.7.1997) by 1997 c. 5, **s. 50(5)**; S.I. 1997/1535, art. 3(b), **Sch. Pt. I**

Marginal Citations

M11 1868 c. cxiii.

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 [M12]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 [M13]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 [M14]Interpretation Act 1889 with regard to the effect of repeals.

Modifications etc. (not altering text)

C60 The text of s. 59(1) and Sch. 7 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M12 1937 c. 12.

M13 1937 c. 12.

M14 1889 c. 63.

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.

Status: *Point in time view as at 16/05/2019. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Firearms Act 1968 is up to date with all changes known to be in force on or before 23 July 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)*

SCHEDULES

SCHEDULE 1

Section 17.

OFFENCES TO WHICH SECTION 17(2) APPLIES

[F271 1 Offences under section 1 of the M15 Criminal Damage Act 1971.]

Textual Amendments
F271 Para. 1 substituted by Criminal Damage Act 1971 (c. 48), **s. 11(7)**

Marginal Citations
M15 1971 c. 48.

2 Offences under any of the following provisions of the Offences Against the M16 Person Act 1861:—

sections 20 to 22 (inflicting bodily injury; garrotting; criminal use of stupefying drugs);

section 30 (laying explosive to building etc.);

section 32 (endangering railway passengers by tampering with track);

section 38 (assault with intent to commit felony or resist arrest);

section 47 (criminal assaults);

. . . . . F272

Textual Amendments
F272 Words repealed by Child Abduction Act 1984 (c. 37, SIF 39:4), **s. 11(5)**(*c*)

Marginal Citations
M16 1861 c. 100.

[F273 2A Offences under Part I of the Child Abduction Act 1984 (abduction of children).]

Textual Amendments
F273 Sch. 1 para. 2A inserted by Child Abduction Act 1984 (c. 37, SIF 39:4), **s. 11(2)**

[F274 3 Offences under such of the provisions of section 4 of the Vagrancy Act 1824 as are referred to in and amended by section 15 of the Prevention of Crimes Act 1871 and section 7 of the Penal Servitude Act 1891 (suspected persons and reputed thieves being abroad with criminal intent).]

Status: *Point in time view as at 16/05/2019. This version of this Act contains provisions that are prospective.*
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Textual Amendments

F274 Sch. 1 para. 3 repealed (E.W.) by Criminal Attempts Act 1981 (c. 47, SIF 39:1), s. 10, **Sch. Pt. II**

[F275]4 Theft, **[**[F276]robbery**]** burglary, blackmail and any offence under section 12(1) (taking of motor vehicle or other conveyance without owner's consent) of the [M17]Theft Act 1968.

Textual Amendments

F275 Para. 4 substituted by Theft Act 1968 (c.60) Sch. 2 Pt. III

F276 Word in Sch. 1 para. 4 inserted (3.2.1995) by 1994 c. 33, s. 168(1), **Sch. 9 para. 8(a)**; S.I. 1995/127, art. 2(1), **Sch. 1** Appendix A

Marginal Citations

M17 1968 c. 60.

5 Offences under **[**[F277]section 89(1) of the Police Act 1996**]** or **[**[F278]section 90 of the Police and Fire Reform (Scotland) Act 2012 (assaulting or impeding police)**]** .

Textual Amendments

F277 Words in Sch. 1 para. 5 substituted (22.8.1996) by 1996 c. 16, ss. 103, 104(1), **Sch. 7 Pt. II para. 16**

F278 Words in Sch. 1 para. 5 substituted (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 2 para. 5(5)**

[[F279]5A An offence under section 90(1) of the Criminal Justice Act 1991 (assaulting prisoner custody officer).**]**

Textual Amendments

F279 Sch. 1 paras. 5A, 5B inserted (3.2.1995) by 1994 c. 33, s. 168(1), **Sch. 9 para. 8(b)**; S.I. 1995/127, art. 2(1), **Sch. 1** Appendix A

[[F280]5B An offence under section 13(1) of the Criminal Justice and Public Order Act 1994 (assaulting secure training centre custody officer).**]**

Textual Amendments

F280 Sch. 1 paras. 5A, 5B inserted (3.2.1995) by 1994 c. 33, s. 168(1), **Sch. 9 para. 8(b)**; S.I. 1995/127, art. 2(1), **Sch. 1** Appendix A

PROSPECTIVE

[[F281]5C An offence under paragraph 4 of Schedule 11 to the Immigration and Asylum Act 1999 (assaulting a detainee custody officer).**]**

Status: *Point in time view as at 16/05/2019. This version of this Act contains provisions that are prospective.*
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Textual Amendments

F281 Sch. 1 para. 5C inserted (*prosp.*) by 1999 c. 33, ss. 169(1), 170(4), Sch. 14 paras. 34, **35**

[F282]6 Offences under any of the following provisions of the Sexual Offences Act 2003—

(a) section 1 (rape);

(b) section 2 (assault by penetration);

(c) section 4 (causing a person to engage in sexual activity without consent), where the activity caused involved penetration within subsection (4)(a) to (d) of that section;

(d) section 5 (rape of a child under 13);

(e) section 6 (assault of a child under 13 by penetration);

(f) section 8 (causing or inciting a child under 13 to engage in sexual activity), where an activity involving penetration within subsection (3)(a) to (d) of that section was caused;

(g) section 30 (sexual activity with a person with a mental disorder impeding choice), where the touching involved penetration within subsection (3)(a) to (d) of that section;

(h) section 31 (causing or inciting a person, with a mental disorder impeding choice, to engage in sexual activity), where an activity involving penetration within subsection (3)(a) to (d) of that section was caused.**]**

Textual Amendments

F282 Sch. 1 para. 6 substituted (1.5.2004) by Sexual Offences Act 2003 (c. 42), s. 139, **Sch. 6 para. 16**; S.I. 2004/874, **art. 2**

[F283]6A An offence under paragraph 14 or 24 of Schedule 10 to the Criminal Justice and Courts Act 2015 (assaulting secure college custody officer).**]**

Textual Amendments

F283 Sch. 1 para. 6A inserted (20.3.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 10 para. 30(2)**; S.I. 2015/778, art. 2(1)(d)

7 . . . . . F284

Textual Amendments

F284 Para. 7 repealed by Theft Act 1968 (c. 60), **Sch. 2 Pt. III**

8 Aiding or abetting the commission of any offence specified in **[**F285paragraphs 1 to **[**F286**6A]]** of this Schedule.

Textual Amendments

F285 Words substituted by Theft Act 1968 (c. 60), **Sch. 2 Pt. III**

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F286 Word in Sch. 1 para. 8 substituted (20.3.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 10 para. 30(3)**; S.I. 2015/778, art. 2(1)(d)

9 Attempting to commit any offence so specified, . . . [F287]

Textual Amendments

F287 Words repealed by Criminal Damage Act 1971 (c. 48), **Sch. Pt. I**

SCHEDULE 2

Sections 17, 18.

OFFENCES TO WHICH SECTIONS 17(2) AND 18 APPLY IN SCOTLAND

Common Law Offences

1 Abduction.

2 Administration of drugs with intent to enable or assist the commission of a crime.

3 Assault.

4 Housebreaking with intent to steal.

5 Malicious mischief.

6 Mobbing and rioting.

7 Perverting the course of justice.

8 Prison breaking and breaking into prison to rescue prisoners.

9 Rape.

10 Robbery.

11 Theft.

12 Use of threats with intent to extort money or property.

13 Wilful fireraising and culpable and reckless fireraising.

Statutory Offences

[[F288]13A Offences against section 57 of the Civil Government (Scotland) Act 1982**]**

Textual Amendments

F288 Sch. 2 para. 13A substituted (S.) for paras. 14 and 15 by Civic Government (Scotland) Act 1982 (c. 45, SIF 81:2), s. 137(2), **Sch. 3 para. 2**

PROSPECTIVE

[[F289]13B An offence under paragraph 4 of Schedule 11 to the Immigration and Asylum Act 1999 (assaulting a detainee custody officer).**]**

Status: *Point in time view as at 16/05/2019. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Firearms Act 1968 is up to date with all changes known to be in force on or before 23 July 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)*

Textual Amendments

F289 Sch. 2 para. 13B inserted (*prosp.*) by 1999 c. 33, ss. 169(1), 170(4), Sch. 14 paras. 34, **36**

[[F290]14 Offences against such of the provisions of section 4 of the [M18]Vagrancy Act 1824 as are extended to Scotland by section 15 of the [M19]Prevention of Crimes Act 1871.**]**

Textual Amendments

F290 Sch. 2 para. 13A substituted (S.) for paras. 14 and 15 by Civic Government (Scotland) Act 1982 (c. 45, SIF 81:2), s. 137(2), **Sch. 3 para. 2**

Marginal Citations

M18 1824 c. 83.
M19 1871 c. 112.

15 Offences against the third and fourth paragraphs of section 7 of the [M20]Prevention of Crimes Act 1871.

Marginal Citations

M20 1871 c. 112.

16 Offences against sections 2, 3 or 4 of the [M21]Explosive Substances Act 1883.

Marginal Citations

M21 1883 c. 3.

[[F291]17 Offences against section 175 of the [M22]Road Traffic Act 1972.**]**

Textual Amendments

F291 Para. 17 substituted by Road Traffic Act 1972 (c. 20), **Sch. 7**

Marginal Citations

M22 1972 c. 20.

18 Offences against **[**[F292]section 90 of the Police and Fire Reform (Scotland) Act 2012.**]**

Textual Amendments

F292 Words in Sch. 2 para. 18 substituted (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 2 para. 5(6)**

Attempts

19 Attempt to commit any of the offences mentioned in this Schedule.

Status: *Point in time view as at 16/05/2019. This version of this Act contains provisions that are prospective.*
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SCHEDULE 3

Section 21.

JURISDICTION AND PROCEDURE ON APPLICATION UNDER SECTION 21(6)

PART I

APPLICATION TO [F293THE CROWN COURT] (ENGLAND AND WALES)

Textual Amendments
F293 Words substituted by Courts Act 1971 (c. 23), s. 56(2), **Sch. 9 Pt. II**

1 . . . . . F294

Textual Amendments
F294 Sch. 3 Pt. I para. 1 repealed by Courts Act 1971 (c. 23), **Sch. 11 Pt. IV**

2 Notice of the application, signed by the applicant or by his agent on his behalf and stating the general grounds of the application, shall be given by him to the [F295appropriate officer of the Crown Court] and also to the chief officer of police for the area in which the applicant resides.

Textual Amendments
F295 Words substituted by virtue of Courts Act 1971 (c. 23), **Sch. 8 Pt. I para. 2**

3 On receiving notice of the application the [F296appropriate officer of the Crown Court] shall enter the application and give notice to the applicant, and to the chief officer of police to whom the notice of the application is required by paragraph 2 of this Schedule to be given, of the date, time and place fixed for the hearing; but the date shall not be less than twenty-one clear days after the date when the [F296appropriate officer of the Crown Court] received the notice of the application.

Textual Amendments
F296 Words substituted by virtue of Courts Act 1971 (c. 23), **Sch. 8 Pt. I para. 2**

4 The applicant may at any time, not less than two clear days before the date fixed for the hearing, abandon his application by giving notice in writing to the [F297appropriate officer of the Crown Court] and to the chief officer of police; and if he does so the [F298Crown Court] (hereafter in this Schedule referred to as "the court") may order the applicant to pay to the chief officer of police such costs as appear to it to be just and reasonable in respect of expenses properly incurred by him in connection with the application before notice of abandonment was given to him.

Textual Amendments
F297 Words substituted by virtue of Courts Act 1971 (c. 23), **Sch. 8 Pt. I para. 2**

Status: *Point in time view as at 16/05/2019. This version of this Act contains provisions that are prospective.*
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F298 Words substituted by Courts Act 1971 (c. 23), s. 56(2), **Sch. 9 Pt. II**

5 The chief officer of police may appear and be heard on the hearing of the application.

6 The court may from time to time adjourn the hearing of the application.

7 On the determination of the application, the court may make such order as to payment of costs as it thinks fit, and may fix a sum to be paid by way of costs in lieu of directing a taxation thereof, and any costs ordered to be paid by the court may be recovered summarily as a civil debt and shall not be recoverable in any other manner:

Provided that the chief officer of police shall not under this paragraph be ordered to pay the costs of the applicant.

PART II

APPLICATION TO SHERIFF (SCOTLAND)

8 The application shall be made to the sheriff within whose jurisdiction the applicant resides.

9 Not less than twenty-one days' notice of the application shall be given to the chief officer of police for the area in which the applicant resides.

SCHEDULE 4

Section 40.

PARTICULARS TO BE ENTERED BY FIREARMS DEALER IN REGISTER OF TRANSACTIONS

[F299PART 1

PARTICULARS RELATING TO FIREARMS (OTHER THAN AIR WEAPONS) AND AMMUNITION]

Textual Amendments

F299 Sch. 4: Pt. 1 heading inserted (1.10.2007) by The Firearms (Amendment) Rules 2007 (S.I. 2007/2605), **rule 2(2)**

[F299*Note: in this Part references to firearms do not include any firearm to which Part 2 of this Schedule applies****]***

X1 1 The quantities and description of firearms and ammunition manufactured and the dates thereof.

Status: *Point in time view as at 16/05/2019. This version of this Act contains provisions that are prospective.*
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Editorial Information

X1 The insertion of the new Pt. 2 in Sch. 4 on 1.10.2007 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.

[X2]2 The quantities and description of firearms and ammunition purchased or acquired with the names and addresses of the sellers or transferors and the dates of the several transactions.

Editorial Information

X2 The insertion of the new Pt. 2 in Sch. 4 on 1.10.2007 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.

[X3]3 The quantities and description of firearms and ammunition accepted for sale, repair, test, proof, cleaning, storage, destruction or other purpose, with the names and addresses of the transferors and the dates of the several transactions.

Editorial Information

X3 The insertion of the new Pt. 2 in Sch. 4 on 1.10.2007 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.

[X4]**[**[F300]4 The quantities and description of firearms and ammunition sold or transferred with the names and addresses of the purchasers or transferees and (except in cases where the purchaser or transferee is a registered dealer) the areas in which the firearm certificates were issued, and the dates of the several transactions.**]**

Editorial Information

X4 The insertion of the new Pt. 2 in Sch. 4 on 1.10.2007 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.

Textual Amendments

F300 Sch. 4 para. 4 substituted by S.I. 1998/1941, **rule 10(5)**

[X5]5 The quantities and description of firearms and ammunition in possession for sale or transfer at the date of the last stocktaking or such other date in each year as may be specified in the register.

Editorial Information

X5 The insertion of the new Pt. 2 in Sch. 4 on 1.10.2007 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.

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[[F301]PART 2

[[F302]PARTICULARS RELATING TO AIR WEAPONS: ENGLAND AND WALES]

Textual Amendments

F301 Sch. 4 Pt. 2 inserted (1.10.2007) by The Firearms (Amendment) Rules 2007 (S.I. 2007/2605), **rule 2(3)**

F302 Sch. 4 Pt. 2 heading substituted (S.) (31.12.2016) by Air Weapons and Licensing (Scotland) Act 2015 (asp 10), s. 88(2), **sch. 2 para. 1(9)(c)**; S.S.I. 2016/130, art. 3(c)

[[F303]Notes: This Part does not apply in relation to Scotland. In this Part "air weapon" includes any component of, or accessory to, an air weapon.]

Textual Amendments

F303 Sch. 4 Pt. 2 Note substituted (S.) (31.12.2016) by Air Weapons and Licensing (Scotland) Act 2015 (asp 10), s. 88(2), **sch. 2 para. 1(9)(b)**; S.S.I. 2016/130, art. 3(c)

1 The quantities and description of air weapons purchased or acquired with the names and addresses of the sellers or transferors and the dates of the several transactions.

2 The quantities and description of air weapons sold or transferred with the names and addresses of the purchasers or transferees and the dates of the several transactions.

3 The quantities and description of air weapons in possession for sale or transfer at the date of the last stocktaking or such other date in each year as may be specified in the register]

[[F304]PART 3

PARTICULARS RELATING TO AIR WEAPONS: SCOTLAND

Textual Amendments

F304 Sch. 4 Pt. 3 inserted (S.) (31.12.2016) by Air Weapons and Licensing (Scotland) Act 2015 (asp 10), s. 88(2), **sch. 2 para. 1(9)(d)**; S.S.I. 2016/130, art. 3(c)

Notes: This Part applies in relation to Scotland. In this Part "air weapon" includes any component of, or accessory to, an air weapon.

1 The quantities and description of air weapons manufactured and the dates of manufacture.

2 The quantities and description of air weapons purchased or acquired with the names and addresses of the sellers or transferors and the date of each transaction.

3 The quantities and description of air weapons accepted for sale, repair, testing, cleaning, storage, destruction, or any other purposes, with the names and addresses of the transferors and the date of each transaction.

4 The quantities and description of air weapons sold or transferred with the names and addresses of the purchasers or transferees and the date of each transaction.

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5 The quantities and description of air weapons in possession for sale or transfer at the date of the last stocktaking or such other date in each year as may be specified in the register.**]**

SCHEDULE 5

Section 44.

PROVISIONS AS TO APPEALS UNDER S. 44 OF THIS ACT

PART I

COURTS WITH JURISDICTION TO ENTERTAIN APPEAL

Nature of appeal	**. . .** F305	**Sheriff's jurisdiction**
1. Appeal under section **[**F306 28A(6), 29(2), 30A(6), 30B(3) or 30C(2)**]** (against refusal to grant or renew, or to vary, or against revocation of, a certificate).		The sheriff within whose jurisdiction the appellant resides.
2. Appeal under section 34(5) by a person aggrieved by the refusal of a chief officer of police to register him as a firearms dealer.		The sheriff within whose jurisdiction there is situated any place of business in respect of which the appellant has applied to be registered.
3. Appeal under section 34(5) or 37(3) by a person aggrieved by the refusal of a chief officer of police to enter a place of business of his in the register.		The sheriff within whose jurisdiction there is situated the place of business to which the appeal relates.
4. Appeal under section 36(3) (against imposition or variation of condition, of registration, or refusal to vary or revoke such a condition).		The sheriff within whose jurisdiction is situated the appellant's place of business in respect of which the condition is in force.
5. Appeal under section 38(7) by a person aggrieved by the removal of his name from the register.		The sheriff within whose jurisdiction there is situated any place of business in respect of which the appellant has been registered.
6. Appeal under section 38(7) by a person aggrieved by the removal from the register of a place of business of his.		The sheriff within whose jurisdiction is situated the place of business to which the appeal rela tes.

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Textual Amendments

F305 Column repealed by Courts Act 1971 (c. 23), **Sch. 11 Pt. IV**

F306 Words in Sch. 5 Pt. I para. 1 substituted (1.7.1997) by 1997 c. 5, s. 52(1), **Sch. 2 para. 12**; S.I. 1997/1535, art. 3(b), **Sch. Pt. I**

Modifications etc. (not altering text)

C61 Sch. 5 Pt. I para. 1 extended by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), **s.12(5)**

PART II

PROCEDURAL PROVISIONS FOR APPEAL TO [F307 THE CROWN COURT]

Textual Amendments

F307 Words substituted by Courts Act 1971 (c. 23), s. 56(2), **Sch. 9 Pt. I**

1 Notice of an appeal, signed by the appellant or by his agent on his behalf and stating the general grounds of the appeal, shall be given by him to the [F308 appropriate officer of the Crown Court] and also to the chief officer of police by whose decision the appellant is aggrieved.

Textual Amendments

F308 Words substituted by virtue of Courts Act 1971 (c. 23), **Sch. 8 Pt. I para. 2**

Modifications etc. (not altering text)

C62 Sch. 5 Pt. II paras. 1–5 extended by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), **s. 12(5)**

2 A notice of appeal shall be given within twenty-one days after the date on which the appellant has received notice of the decision of the chief officer of police by which he is aggrieved.

Modifications etc. (not altering text)

C63 Sch. 5 Pt. II paras. 1–5 extended by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), **s. 12(5)**

3 On receiving notice of an appeal the [F309 appropriate officer of the Crown Court] shall enter the appeal and give notice to the appellant and to the chief officer of police to whom the notice of the appeal is required by paragraph 1 of this Part of this Schedule to be given, of the date, time and place fixed for the hearing.

Textual Amendments

F309 Words substituted by virtue of Courts Act 1971 (c. 23), **Sch. 8 Pt. I para. 2**

Modifications etc. (not altering text)

C64 Sch. 5 Pt. II paras. 1–5 extended by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), **s. 12(5)**

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4 An appellant may at any time, not less than two clear days before the date fixed for the hearing, abandon his appeal by giving notice in writing to the **[**[F310]appropriate officer of the Crown Court**]** and to the chief officer of police; . . . [F311]

Textual Amendments

F310 Words substituted by virtue of Courts Act 1971 (c. 23), **Sch. 8 Pt. I para. 2**

F311 Words repealed by S.I. 1971/1292, **Sch. 3**

Modifications etc. (not altering text)

C65 Sch. 5 Pt. II paras. 1–5 extended by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), **s. 12(5)**

5 The chief officer of police may appear and be heard on the hearing of an appeal.

Modifications etc. (not altering text)

C66 Sch. 5 Pt. II paras. 1–5 extended by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), **s. 12(5)**

6 . . . . . [F312]

Textual Amendments

F312 Sch. 5 Pt. II paras. 6, 8 repealed by S.I. 1971/1292, **Sch. 3**

7 On the hearing of an appeal the court may either dismiss the appeal or give the chief officer of police such directions as it thinks fit as respects the certificate or register which is the subject of the appeal.

8 . . . . . [F313]

Textual Amendments

F313 Sch. 5 Pt. II paras. 6, 8 repealed by S.I. 1971/1292, **Sch. 3**

[[F314]PART III

APPEALS IN SCOTLAND

Textual Amendments

F314 Sch. 5 Pt. III inserted (1.7.1997) by 1997 c. 5, **s. 41(2)**; S.I. 1997/1535, art. 3(b), **Sch. Pt. I**

1 An appeal to the sheriff shall be by way of summary application.

2 An application shall be made within 21 days after the date on which the appellant has received notice of the decision of the chief officer of police in respect of which the appeal is made.

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3 On the hearing of the appeal the sheriff may either dismiss the appeal or give the chief officer of police such directions as he thinks fit as respects the certificate or register which is the subject of the appeal.

4 The decision of the sheriff on an appeal may be appealed only on a point of law.**]**

SCHEDULE 6

Section 51.

PROSECUTION AND PUNISHMENT OF OFFENCES

PART I

TABLE OF PUNISHMENTS

Modifications etc. (not altering text)
C67 Sch. 6 Pt. I modified (1.11.1968) by S.I. 1968/1200, **art. 3**

Section of this Act creating offence	General nature of offence	Mode of prosecution	Punishment	Additional provisions
Section 1(1) ...	Possessing etc. firearm or ammunition without firearm certificate.	(a) Summary ...	6 months or a fine of **[**[F315]£400**]**; or both.	
		(b) On indictment	(i) where the offence is committed in an aggravated form within the meaning of section 4(4) of this Act, **[**[F316]7 years**]**, or a fine; or both,	
			(ii) in any other case, **[**[F317]5 years**]**or a fine; or both.	Paragraph 1 of Part II of this Schedule applies.
Section 1(2) ...	Non-compliance with condition of firearm certificate.	Summary	6 months or a fine of **[**[F318]level 5 on the standard scale**]**; or both.	Paragraph 1 of Part II of this Schedule applies.

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Section 2(1) ...	Possessing, etc., shot gun without shot gun certificate.	[F319(a) Summary.]	[F319 6 months or the statutory maximum or both.]	Paragraph 1 of Part II of this Schedule applies.
		[F319(b) On indictment.]	[F319[F320 5 years] or a fine; or both.]	
Section 2(2) ...	Non-compliance with condition of shot gun certificate.	Summary...	6 months or a fine of [F318level 5 on the standard scale]; or both.	Paragraph 1 of Part II of this Schedule applies.
Section 3(1) ...	Trading in firearms without being registered as firearms dealer.	(a) Summary ...	6 months or a fine of [F315£400]; or both.	
		(b) On indictment	[F321 5 years] or a fine; or both.	
Section 3(2) ...	Selling firearm to person without a certificate.	(a) Summary ...	6 months or a fine of [F315£400]; or both.	
		(b) On indictment	[F322 5 years] or a fine; or both.	
Section 3(3) ...	Repairing, testing etc. firearm for person without a certificate.	(a) Summary ...	6 months or a fine of [F315£400]; or both.	
		(b) On indictment	[F323 5 years] or a fine; or both.	
Section 3(5) ...	Falsifying certificate, etc., with view to acquisition of firearm.	(a) Summary ...	6 months or a fine of [F315£400]; or both.	
		(b) On indictment	[F324 5 years] or [F325a fine]; or both.	
Section 3(6) ...	Pawnbroker taking firearm in pawn.	Summary	3 months or a fine of [F318level 3 on the standard scale]; or both.	
[F326Section 3(7)	Pawnbroker taking air weapon in pawn (Scotland only).	Summary	3 months or a fine of level 3 on the standard scale; or both.]	

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Section 4(1)(3)	Shortening a shot gun; conversion of firearms.	(a) Summary...	6 months or a fine of **[**[F315]£400**]**; or both.
		(b) On indictment	**[**[F327]7 years**]** or a fine; or both.
[[F328]Section 5(1)(a), (ab), (aba), (ac), (ad), (ae), (af) **[**[F329], (ag), (ba)**]** or (c)	Possessing [F330] ... prohibited weapons or ammunition.	On indictment	10 years or a fine, or both.
Section 5(1)(b)	Possessing [F331] ... prohibited weapon designed for discharge of noxious liquid etc.	(a) Summary (b) On indictment	6 months or a fine of the statutory maximum, or both. 10 years or a fine or both.
Section 5(1A)(a)	Possessing [F332] ... firearm disguised as other object.	On indictment	10 years or a fine, or both.
Section 5(1A)(b), (c), (d), (e), (f) or (g)	Possessing [F333] ... other prohibited weapons.	(a) Summary (b) On indictment	6 months or a fine of the statutory maximum, or both. 10 years or a fine, or both.**]**
[[F334]Section 5(2A)	Manufacturing or distributing, or possessing for distribution, prohibited weapons or ammunition	On indictment	Imprisonment for life.**]**
Section 5(5) ...	Non-compliance with condition ofDefence Council authority.	Summary ...	6 months or a fine of **[**[F318]level 5 on the standard scale**]**; or both.
Section 5(6) ...	Non - compliance with requirements to surrender authority to possess, etc., prohibited weapon or ammunition.	Summary	A fine of **[**[F318]level 3 on the standard scale**]**.

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Section 6(3) ...	Contravention of order under s. 6 (or corresponding Northern Irish order) restricting removal of arms.	Summary	3 months or, for each firearm or parcel of ammunition in respect of which the offence is committed, a fine of **[**[F318]level 3 on the standard scale**]**; or both.	Paragraph 2 of Part II of this Schedule applies.
Section 7(2) ...	Making false statement in order to obtain police permit.	Summary ...	6 months or a fine of **[**[F318]level 5 on the standard scale**]**; or both.	
Section 9(3) ...	Making false statement in order to obtain permit for auction of firearms, etc.	**[**[F335]Summary**]**	**[**[F335]6 months or a fine not exceeding level 5 on the standard scale; o r both.**]**	
Section 13(2) ...	Making false statement in order to obtain permit for removal of signalling apparatus.	Summary. ...	6 months or a fine of **[**[F318]level 5 on the standard scale**]**; or both.	
Section 16 ...	Possession of firearm with intent to endanger life or injure property.	On indictment ...	**[**[F336]life imprisonment**]** or a fine; or . . . [F337] b oth.	
[[F338]Section 16A**]**	**[**[F338]Possession of firearm with intent to cause fear of violence.**]**	**[**[F338]On indictment**]**	**[**[F338]10 years or a fine; or both.**]**	
[F338] Section 17(1) ...	Use of firearms to resist arrest.	On indictment ...	**[**[F336]life imprisonment**]** or a fine; or, . . . [F337] both.	Paragraphs 3 to 5 of Part II of this Schedule apply.
Section 17(2) ...	Possessing firearm while committing an offence specified in Schedule 1 or, in Scotland, an	On indictment ...	**[**[F339]Life imprisonment**]** or a fine; or . . . [F337] both.	Paragraphs 3 and 6 of Part II of this Schedule apply.

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	offence specified in Schedule 2.		
Section 18(1) ...	Carrying firearms or imitation firearm with intent commit indictable offence (or, in Scotland, an offence specified in Schedule 2) or to resist arrest.	On indictment ...	**[**[F339]Life imprisonment**]** or a fine; or, . . . [F337] b oth.
Section 19 ...	Carrying **[**[F340]firearm or imitation firearm**]** in public place.	(a) Summary... **[**[F341]except if the firearm is a firearm specified in section 5(1)(a), (ab), (aba), (ac), (ad), (ae) or (af) or section 5(1A)(a) of this Act.**]**	6 months or a fine of **[**[F315]£400**]**; or both.
		(b) On indictment (but not [F342] . . . if the firearm is an air weapon).	**[**[F343]7 years.**]**or a fine; or both.
Section 20(1) ...	Trespassing with firearm **[**[F344]or imitation firearm**]** in a building.	(a) Summary ... **[**[F341]except if the firearm is a firearm specified in section 5(1)(a), (ab), (aba), (ac), (ad), (ae) or (af) or section 5(1A)(a) of this Act.**]**	6 months or a fine of **[**[F315]£400**]**; or both.
		(b) On indictment (but not **[**[F344]in the case of an imitation firearm or**]** if the firearm is an air weapon).	**[**[F345]7 years**]**or a fine; or both.

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Section 20(2) ...	Trespassing with firearm **[**F346or imitation firearm**]** on land.	Summary	3 months or a fine of **[**F318level 4 on the standard scale**]**; or both.	
Section 21(4) ...	Contravention of provisions denying firearms to ex-prisoners and the like.	(a) Summary ...	6 months or a fine of **[**F315£400**]**; or both.	
		(b) On indictment	**[**F347**]**5 years**]** or a fine; or both.	
Section 21(5) ...	Supplying firearms to person denied them under section 21.	(a) Summary ...	6 months or a fine of **[**F315£400**]**; or both.	
		(b) On indictment	**[**F348**]**5 years**]** or a fine; or both.	
[F349Section **[**F350**]**21A**][**F350**]**21A(1) and (1A)**]**	Person making improper use of air weapon	Summary	A fine of level 3 on the standard scale	Paragraphs 7 and 8 of Pt II of this Schedule apply.**]**
[F351Section 22(1)	Person under 18 acquiring firearm	Summary	(i) where the offence is committed by a person aged 17 in relation to a firearm other than an air weapon or ammunition other than ammunition for an air weapon, 3 months or a fine of level 5 on the standard scale; or both; (ii) in any other case, 6 months or a fine of level 5 on the standard scale; or both.**]**	
F352 Section 22(1A)..	Person under 18 using certificated firearm for unauthorised purpose.	Summary...	3 months or a fine of level 5 on the standard scale; or both.	

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Section 22(2) ...	Person under 14 having firearm in his possession without lawful authority.	Summary	6 months or a fine of **[**F318level 5 on the standard scale**]**; or both.	
Section 22(3) ...	Person under 15 having with him a shot gun without adult supervision.	Summary	A fine of **[**F318level 3 on the standard scale**]**	Paragraph 8 of Part II of this Schedule applies.
[F353Section 22(4) ...**]**	**[**F353Person under **[**F354**18]** having with him an air weapon or ammunition therefor.**]**	**[**F353Summary	**[**F353A fine of **[**F318level 3 on the standard s cale**]]**	**[**F353Paragraphs 7 and 8 of Part II of this Schedule apply.**]**
F355	F355	F355	F355	F355
. . .	. . .	. . .	. . .	. . .
[F356Section 23(1) ...**]**	**[**F356**[**F357Person supervising a person under 18 and allowing him to make improper use of air weapon**]]**	**[**F356Summary	**[**F356A fine of **[**F318level 3 on the standard s cale**]]**	**[**F356Paragraphs 7 and 8 of Part II of this Schedule apply.**]**
F358	F358	F358	F358	F358
. . .	. . .	. . .	. . .	. . .
[F359Section 24(1)	Selling or letting on hire a firearm to a person under 18	Summary	(i) where the offence is committed in relation to a person aged 17 and in relation to a firearm other than an air weapon or ammunition other than ammunition for an air weapon, 3 months or a fine of level 5 on the standard scale; or both; (ii) in any other case, 6 months or a fine of level 5	

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			on the standard scale; or both.]	
Section 24(2) ...	Supplying firearm or ammunition (being of a kind to which section 1 of this Act applies) to person under 14.	Summary	6 months or a fine of [F318level 5 on the standard scale]; or both.	
Section 24(3) ...	Making gift of shot gun to person under 15.	Summary	A fine of [F318level 3 on the standard scale]	Paragraph 9 of Part II of this Schedule applies.
Section 24(4) ...	Supplying air weapon to person under [F36018] .	Summary	A fine of [F318level 3 on the standard scale]	Paragraphs 7 and 8 of Part II of this Schedule apply.
[F361Section 24ZA(1)	Failing to prevent minors from having air weapons	Summary	A fine of level 3 on the standard scale.	Paragraphs 7 and 8 of Part II of this Schedule apply.]
[F362Section 24A(1) or (2)	Acquisition by a minor of an imitation firearm and supplying him.	Summary	In England and Wales, 51 weeks or a fine of level 5 on the standard scale, or both. In Scotland, 6 months, or a fine of level 5 on the standard scale, or both.]	
Section 25 ...	Supplying firearm to person drunk or insane.	Summary	3 months or a fine of [F318level 3 on the standard scale]; or both.	
[F363Section 28A(7)] ...	Making false statement in order to procure grant or renewal of a firearm or shot gun certificate.	Summary	6 months or a fine of [F318level 5 on the standard scale]; or both.	
Section 29(3) ...	Making false statement in order to procure variation	Summary	6 months or a fine of [F318level 5 on the standard scale]; or both.	

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	of a firearm certificate.		
[[F364]Section 30D(3)**]**...	Failing to surrender certificate on revocation.	Summary	A fine of **[**[F318]level 3 on the standard s cale**]**.
[[F365]Section 32B(5)..	Failure to surrender expired European firearms pass	Summary...	A fine of level 3 on the standard scale.
[F366] Section 32C(6)..	Failure to produce European firearms pass or Article 7 authority for variation or cancellation etc.; failure to notify loss or theft of firearm identified in pass or to produce pass for endorsement.	Summary	3 months or a fine of level 5 on the standard scale; or both**]**
Section 38(8) ...	Failure to surrender certificate of registration **[**[F367]or register of transactions**]** on removal of firearms dealer's name from from register.	Summary	A fine of **[**[F318]level 3 on the standard s cale**]**.
Section 39(1) ...	Making false statement in order to secure registration or entry in register of a place of business.	Summary ...	6 months or a fine of **[**[F318]level 5 on the standard scale**]**; or both.
Section 39(2) ...	Registered firearms dealer having place of business not entered in the register.	Summary ...	6 months or a fine of **[**[F318]level 5 on the standard scale**]**; or both.

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Section 39(3) ...	Non-compliance with condition of registration.	Summary ...	6 months or a fine of **[**[F318]level 5 on the standard scale**]**; or both.	
Section 40(5) ...	Non-compliance by firearms dealer with provivisions as to register of transactions; making false entry in register.	Summary ...	6 months or a fine of **[**[F318]level 5 on the standard scale**]**; or both.	
F368 . . .	F368 . . .	F368 . . .	F368 . . .	
		F368 . . .	F368 . . .	
[[F369]Section 42A...	Failure to report transaction authorised by visitor's shot gun permit.	Summary...	3 months or a fine of level 5 on the standard scale; or both.**]**	
[[F370]Section 46.**]**	**[**[F370]Obstructing constable or civilian officer in exercise of search powers.**]**	**[**[F370]Summary.**]**	**[**[F370]6 months or a fine of level 5 on the standard scale; or both.**]**	
F370 Section 47(2) ...	Failure to hand over firearm or ammunition on demand by constable.	Summary ...	3 months or a fine of **[**[F318]level 4 on the standard scale**]**; or both.	
Section 48(3) ...	Failure to comply with requirement of a constable that a person shall declare his name and address.	Summary	A fine of **[**[F318]level 3 on the standard scale**]**.	
[[F371]Section 48(4)..	Failure to produce firearms pass issued in another member State.	Summary...	A fine of level 3 on the standard scale.**]**	
Section 49(3) ...	Failure to give constable facilities for examination	Summary	3 months or, for each firearm or parcel of ammunition in	Paragraph 2 of Part II of this Schedule applies.

Status: *Point in time view as at 16/05/2019. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Firearms Act 1968 is up to date with all changes known to be in force on or before 23 July 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)*

	of firearms in transit, or to produce papers.		respect of which the offence is committed, a fine of **[**[F318]level 3 on the standard scale**]**; or both.
Section 52(2)(c)	Failure to surrender firearm or shot gun certificate cancelled by court on conviction.	A fine of **[**[F318]level 3 on the standard scale**]**.	

Textual Amendments

F315 Words substituted by Criminal Justice Act 1972 (c. 71), **ss. 28(1)(5)**, 66(7)(a)

F316 Sch. 6 Pt. I: words in column 4 of entry relating to s. 1(1) substituted (3.2.1995) by Criminal Justice and Public Order Act 1994 (c. 33), s. 157(3)(9), **Sch. 8 Pt. III**; S.I. 1995/127, art. 2(1), **Sch. 1**

F317 Sch. 6 Pt. I: words in column 4 of entry relating to s. 1(1) substituted (3.2.1995) by Criminal Justice and Public Order Act 1994 (c. 33), s. 157(3)(9), **Sch. 8 Pt. III**; S.I. 1995/127, art. 2(1), **Sch. 1**

F318 Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38**, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **ss. 289F**, 289G

F319 Words substituted by Criminal Justice Act 1988 (c. 33, SIF 39:1), ss. 44(2)(4), 123(6), **Sch. 8 para. 16**

F320 Sch. 6 Pt. I: words in column 4 of entry relating to s. 2(1) substituted (3.2.1995) by Criminal Justice and Public Order Act 1994 (c. 33), s. 157(3)(9), **Sch. 8 Pt. III**; S.I. 1995/127, art. 2(1), **Sch. 1**

F321 Sch. 6 Pt. I: words in column 4 of entry relating to s. 3(1) substituted (3.2.1995) by Criminal Justice and Public Order Act 1994 (c. 33), s. 157(3)(9), **Sch. 8 Pt. III**; S.I. 1995/127, art. 2(1), **Sch. 1**

F322 Sch. 6 Pt. I: words in column 4 of entry relating to s. 3(2) substituted (3.2.1995) by Criminal Justice and Public Order Act 1994 (c. 33), s. 157(3)(9), **Sch. 8 Pt. III**; S.I. 1995/127, art. 2(1), **Sch. 1**

F323 Sch. 6 Pt. I: words in column 4 of entry relating to s. 3(3) substituted (3.2.1995) by Criminal Justice and Public Order Act 1994 (c. 33), s. 157(3)(9), **Sch. 8 Pt. III**; S.I. 1995/127, art. 2(1), **Sch. 1**

F324 Sch. 6 Pt. I: words in column 4 of entry relating to s. 3(5) substituted (3.2.1995) by Criminal Justice and Public Order Act 1994 (c. 33), s. 157(3)(9), **Sch. 8 Pt. III**; S.I. 1995/127, art. 2(1), **Sch. 1**

F325 Words substituted by Criminal Justice Act 1972 (c. 71), **ss. 28(1)(4)**, 66(7)(a)

F326 Words in Sch. 6 Pt. 1 inserted (10.4.2017) by The Air Weapons and Licensing (Scotland) Act 2015 (Consequential Provisions) Order 2017 (S.I. 2017/452), arts. 1(2), **2(3)**

F327 Sch. 6 Pt. I: words in column 4 of entry relating to s. 4(1)(3) substituted (3.2.1995) by Criminal Justice and Public Order Act 1994 (c. 33), s. 157(3)(9), **Sch. 8 Pt. III**; S.I. 1995/127, art. 2(1), **Sch. 1**

F328 Sch. 6 Pt. 1: entries relating to s. 5(1)(1A) substituted (22.1.2004) by Criminal Justice Act 2003 (c. 44), **ss. 288**, 336; S.I. 2004/81, **art. 3(2)(b)**

F329 Words in Sch. 6 Pt. 1 inserted (16.5.2019) by Offensive Weapons Act 2019 (c. 17), **ss. 54(7)(a)**, 70(5)(g)

F330 Words in Sch. 6 Pt. I omitted (14.7.2014) by virtue of Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), **ss. 108(7)(a)**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 6(a)

F331 Words in Sch. 6 Pt. I omitted (14.7.2014) by virtue of Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), **ss. 108(7)(b)**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 6(a)

F332 Words in Sch. 6 Pt. I omitted (14.7.2014) by virtue of Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), **ss. 108(7)(c)**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 6(a)

F333 Words in Sch. 6 Pt. I omitted (14.7.2014) by virtue of Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), **ss. 108(7)(d)**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 6(a)

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F334 Words in Sch. 6 Pt. I inserted (14.7.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), **ss. 108(8)**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 6(a)

F335 Words substituted by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), **s. 23(7)**

F336 Words substituted by Criminal Justice Act 1972 (c. 71), **ss. 28(1)(2)**, 66(7)(a)

F337 Words repealed by Criminal Justice Act 1972 (c. 71), ss. 28(6), 66(7)(a), **Sch. 6 Pt. II**

F338 Sch. 6 Pt. I: entry relating to s. 16A inserted (21.9.1994) by 1994 c. 31, **ss. 1(2)**, 4(2) (with s. 4(3))

F339 Words substituted by Criminal Justice Act 1988 (c. 33, SIF 39:1), ss. 44(3)(4), 123(6), **Sch. 8 para. 16**

F340 Sch. 6 Pt. I: words in column 2 of entry relating to s. 19 substituted (20.1.2004) by Anti-social Behaviour Act 2003 (2003 c. 38), **ss. 37(2)(a)**, 93; S.I. 2003/3300, **art. 2(c)(i)**

F341 Sch. 6 Pt. I: words inserted (6.4.2007) by Violent Crime Reduction Act 2006 (c. 38), **ss. 30(4)**, 66(2); S.I. 2007/858, **art. 2(d)**

F342 Sch. 6 Pt I: words omitted (1.10.2007) by virtue Violent Crime Reduction Act 2006 (c. 38), **ss. 41(1)(a)**, 66(2); S.I. 2007/2518, **art. 2**

F343 Sch. 6 Pt. I: words in column 3 of entry relating to s. 19 substituted (3.2.1995) by Criminal Justice and Public Order Act 1994 (c. 33), ss. 157(3)(9), 172(2), **Sch. 8 Pt. III**; S.I. 1995/127, art. 2(1), **Sch. 1**

F344 Sch. 6 Pt. I: words in entry relating to s. 20(1) inserted (21.9.1994) by 1994 c. 31, **ss. 2(3)(a)**, 4(2) (with s. 4(3))

F345 Sch. 6 Pt. I: words in column 4 of entry relating to s. 20(1) substituted (3.2.1995) by Criminal Justice and Public Order Act 1994 (c. 33), s. 157(3)(9), **Sch. 8 Pt. III**; S.I. 1995/127, art. 2(1), **Sch. 1**

F346 Sch. 6 Pt. I: words in entry relating to s. 20(2) inserted (21.9.1994) by 1994 c. 31, **ss. 2(3)(b)**, 4(2) (with s. 4(3))

F347 Sch. 6 Pt. I: words in column 4 of entry relating to s. 21(4) substituted (3.2.1995) by Criminal Justice and Public Order Act 1994 (c. 33), s. 157(3)(9), **Sch. 8 Pt. III**; S.I. 1995/127, art. 2(1), **Sch. 1**

F348 Sch. 6 Pt. I: words in column 4 of entry relating to s. 21(5) substituted (3.2.1995) by Criminal Justice and Public Order Act 1994 (c. 33), s. 157(3)(9), **Sch. 8 Pt. III**; S.I. 1995/127, art. 2(1), **Sch. 1**

F349 Sch 6 Pt I: entry inserted (1.10.2007) by Violent Crime Reduction Act 2006 (c. 38), **ss. 34(4)**, 66(2); S.I. 2007/2180, **art. 3(d)**

F350 Words in Sch. 6 Pt. 1 substituted (S.) (31.12.2016) by Air Weapons and Licensing (Scotland) Act 2015 (asp 10), s. 88(2), **sch. 2 para. 1(10)(a)(i)**; S.S.I. 2016/130, art. 3(c)

F351 Words in Sch. 6 Pt. I substituted (28.7.2010) by Firearms (Amendment) Regulations 2010 (S.I. 2010/1759), regs. 1(2), **2(7)(a)**

F352 Sch. 6 Pt. I: the entry relating to s. 22(1A) inserted (1.1.1993) by S.I. 1992/2823, **reg. 4(4)**.

F353 Words in Sch. 6 Pt. 1 repealed (S.) (31.12.2016) by Air Weapons and Licensing (Scotland) Act 2015 (asp 10), s. 88(2), **sch. 2 para. 1(10)(a)(ii)**; S.S.I. 2016/130, art. 3(c)

F354 Sch. 6 Pt. I: words in entry substituted (1.10.2007) by Violent Crime Reduction Act 2006 (c. 38), **ss. 33(6)(b)**, 66(2); S.I. 2007/2180, **art. 3(c)**

F355 Sch. 6 Pt. I: entry relating to s. 22(5) repealed (20.1.2004) by Anti-social Behaviour Act 2003 (c. 38), **ss.38(5)(b)**, 92, 93, **Sch. 3**; S.I. 2003/3300, **art. 2(c)(ii)(g)(ii)(a)**

F356 Words in Sch. 6 Pt. 1 repealed (S.) (31.12.2016) by Air Weapons and Licensing (Scotland) Act 2015 (asp 10), s. 88(2), **sch. 2 para. 1(10)(a)(iii)**; S.S.I. 2016/130, art. 3(c)

F357 Sch. 6 Pt I: words in entry substituted (1.10.2007) by Violent Crime Reduction Act 2006 (c. 38), **ss. 34(5)**, 66(2); S.I. 2007/2180, **art. 3(d)**

F358 Sch. 6 Pt I: entry repealed (1.10.2007) by Violent Crime Reduction Act 2006 (c. 38), ss. 65, 66(2), **Sch. 5**; S.I. 2007/2180, **art. 4(f)(i)**

F359 Words in Sch. 6 Pt. I substituted (28.7.2010) by Firearms (Amendment) Regulations 2010 (S.I. 2010/1759), regs. 1(2), **2(7)(b)**

F360 Sch. 6 Pt. I: word in entry substituted (1.10.2007) by Violent Crime Reduction Act 2006 (c. 38), **ss. 33(6)(d)**, 66(2); S.I. 2007/2180, **art. 3(c)**

F361 Words in Sch. 6 Pt. I inserted (10.2.2011) by Crime and Security Act 2010 (c. 17), **ss. 46(4)**, 59(1); S.I. 2011/144, art. 2

F362 Sch. 6 Pt I: entry inserted (1.10.2007) by Violent Crime Reduction Act 2006 (c. 38), **ss. 40(2)**, 66(2); S.I. 2007/2180, **art. 3(i)**

Status: *Point in time view as at 16/05/2019. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Firearms Act 1968 is up to date with all changes known to be in force on or before 23 July 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)*

F363 Sch. 6 Pt. I: words "Section 28A(7)" substituted for the words "Section 26(5)" (1.7.1997) by 1997 c. 5, s. 52(1), **Sch. 2 para. 4(2)**; S.I. 1997/1535, art. 3(b), **Sch. Pt. I**

F364 Sch. 6 Pt. I: words "Section 30D(3)" substituted for words "Section 30(4)" (1.7.1997) by 1997 c. 5, s. 52(1), **Sch. 2 para. 14**; S.I. 1997/1535, art. 3(b), **Sch. Pt. I**

F365 Sch. 6 Pt. I: the entry relating to s. 32B(5) inserted (1.1.1993) by S.I. 1992/2823, **reg. 5(3)**.

F366 Sch. 6 Pt. I: the entry relating to s. 32C(6) inserted (1.1.1993) by S.I. 1992/2823, **reg. 5(3)**.

F367 Words inserted by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), **s. 14(1)**

F368 Sch. 6 Pt. I: entry relating to s. 42 repealed (1.10.1997) by 1997 c. 5, s. 52(1), **Sch. 3**; S.I. 1997/1535, art. 3(c), **Sch. Pt. II**

F369 Sch. 6 Pt. I: the entry relating to s. 42A inserted (1.1.1993) by S.I. 1992/2823, **reg. 6(3)**.

F370 Sch. 6 Pt. I: entry relating to s. 46 inserted (1.7.1997) by 1997 c. 5, **s. 43(3)**; S.I. 1997/1535, art. 3(b), **Sch. Pt. I**

F371 Sch. 6 Pt. I: the entry relating to s. 48(4) inserted (1.1.1993) by S.I. 1992/2823, **reg. 7(5)**.

PART II

SUPPLEMENTARY PROVISIONS AS TO TRIAL AND PUNISHMENT OF OFFENCES

1 . . . . . **F372**

Textual Amendments

F372 Sch. 6 Pt. II para. 1 repealed by Criminal Justice (Scotland) Act 1980 (c. 62, SIF 39:1), s. 83(3), **Sch. 8**

2 In the case of an offence against section 6(3) or 49(3) of this Act, the court before which the offender is convicted may, if the offender is the owner of the firearms or ammunition, make such order as to the forfeiture of the firearms or ammunition as the court thinks fit.

[F373[F374]3(1) Where in England or Wales a person who has attained the age of seventeen is charged before a magistrates' court with an offence triable either way listed in **[F375**Schedule 1 to the Magistrates' Courts Act 1980**]** ("the listed offence") and is also charged before that court with an offence under section 17(1) or (2) of this Act, the following provisions of this paragraph shall apply.

(2) Subject to the following sub-paragraph the court shall proceed as if the listed offence were triable only on indictment and **[F376**sections 18 to 23 of the said Act of 1980**]** (procedure for determining mode of trial of offences triable either way) shall not apply in relation to that offence.

(3) If the court determines not to commit the accused for trial in respect of the offence under section 17(1) or (2), or if proceedings before the court for that offence are otherwise discontinued, the preceding sub-paragraph shall cease to apply as from the time when this occurs and—

(a) if at that time the court has not yet begun to inquire into the listed offence as examining justices, the court shall, in the case of the listed offence, proceed in the ordinary way in accordance with **[F377**the said sections 18 to 23**]**; but

(b) if at that time the court has begun so to inquire into the listed offence, those sections shall continue not to apply and the court shall proceed with its inquiry into that offence as examining justices, but shall have power in accordance with **[F377**section 25(3) and (4) of the said Act of 1980**]** to change to summary trial with the accused's consent.**]]**

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Textual Amendments

F373 Para. 3 substituted by Criminal Law Act 1977 (c. 45), **Sch. 12**

F374 Sch. 6 para. 3 repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 3 para. 45, **Sch. 37 Pt. 4**; S.I. 2012/1320, art. 4(1)(c)(d)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2012/2574, art. 2(2)(3)(c)(d), Sch. (with arts. 34) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4); S.I. 2013/1103, art. 2(1)(c)(d)(2)(3) (with arts. 34)

F375 Words substituted by Magistrates' Courts Act 1980 (c. 43, SIF 82), s. 154, **Sch. 7 para. 73**(*a*)

F376 Words substituted by Magistrates' Courts Act 1980 (c. 43, SIF 82), s. 154, **Sch. 7 para. 73**(*b*>)

F377 Words substituted by Magistrates' Courts Act 1980 (c. 43, SIF 82), s. 154, **Sch. 7 para. 73**(*c*)

Modifications etc. (not altering text)

C68 Sch. 6 Pt. II para. 3(1) extended (E.W.) by Criminal Attempts Act 1981 (c. 47, SIF 39:1), **s. 7(2)**

4 Where a person commits an offence under section 17(1) of this Act in respect of the lawful arrest or detention of himself for any other offence committed by him, he shall be liable to the penalty provided by Part I of this Schedule in addition to any penalty to which he may be sentenced for the other offence.

5 If on the trial of a person for an offence under section 17(1) of this Act the jury are not satisfied that he is guilty of that offence but are satisfied that he is guilty of an offence under section 17(2), the jury may find him guilty of the offence under section 17(2) and he shall then be punishable accordingly.

6 The punishment to which a person is liable for an offence under section 17(2) of this Act shall be in addition to any punishment to which he may be liable for the offence first referred to in section 17(2).

7 The court by which a person is convicted of an offence under section **[**[F378]**[**[F379]21A,**][**[F380]22(4), 23(1)**][**[F379]21A(1), 21A(1A), 22(3)**]**[F381]. . . **][**[F382], 24(4) or 24ZA(1)**]** of this Act may make such order as it thinks fit as to the forfeiture or disposal of the air weapon or ammunition in respect of which the offence was committed.

Textual Amendments

F378 Words in Sch. 6 Pt. 2 para. 7 inserted (1.10.2007) by Violent Crime Reduction Act 2006 (c. 38), **s. 34(6)(a)**, 66(2); S.I. 2007/2180, **art. 3(d)**

F379 Words in Sch. 6 para. 7 substituted (S.) (31.12.2016) by Air Weapons and Licensing (Scotland) Act 2015 (asp 10), s. 88(2), **sch. 2 para. 1(10)(b)(i)**; S.S.I. 2016/130, art. 3(c)

F380 Words in Sch. 6 Pt. 2 para. 7 substituted (20.1.2004) by Anti-social Behaviour Act 2003 (c. 38), **ss.38(6)(a)**, 93; S.I. 2003/3300, **art. 2(c)(ii)**

F381 Words in Sch. 6 Pt. 2 para. 7 repealed (1.10.2007) by Violent Crime Reduction Act 2006 (c. 38), s. 65, 66(2), **Sch. 5**; S.I. 2007/2180, **art. 4(f)(i)**

F382 Words in Sch. 6 para. 7 substituted (10.2.2011) by Crime and Security Act 2010 (c. 17), **ss. 46(5)**, 59(1); S.I. 2011/144, art. 2

8 The court by which a person is convicted of an offence under section **[**[F383]**[**[F384]21A,**][**[F385]22(3) or (4), 23(1)**][**[F384]21A(1), 21A(1A), 22(3),**]**[F386]. . . **][**[F387], 24(4) or 24ZA(1)**]** may make such order as it thinks fit as to the forfeiture or disposal of any firearm or ammunition found in his possession.

Status: *Point in time view as at 16/05/2019. This version of this Act contains provisions that are prospective.*
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Textual Amendments

F383 Words in Sch. 6 Pt. 2 para. 8 inserted (1.10.2007) by Violent Crime Reduction Act 2006 (c. 38), **ss. 34(6)(b)**, 66(2); S.I. 2007/2180, **art. 3(d)**

F384 Words in Sch. 6 para. 8 substituted (S.) (31.12.2016) by Air Weapons and Licensing (Scotland) Act 2015 (asp 10), s. 88(2), **sch. 2 para. 1(10)(b)(ii)**; S.S.I. 2016/130, art. 3(c)

F385 Words in Sch. 6 Pt. 2 para. 8 substituted (20.1.2004) by Anti-social Behaviour Act 2003 (c. 38), **ss. 38(6)(b)**, 93; S.I. 2003/3300, **art. 2(c)(ii)**

F386 Words in Sch. 6 Pt. 2 para. 8 repealed (1.10.2007) by Violent Crime Reduction Act 2006 (c. 38), ss. 65, 66(2), **Sch. 5**; S.I. 2007/2180, **art. 4(f)(i)**

F387 Words in Sch. 6 para. 8 substituted (10.2.2011) by Crime and Security Act 2010 (c. 17), **ss. 46(5)**, 59(1); S.I. 2011/144, art. 2

9 The court by which a person is convicted of an offence under section 24(3) of this Act may make such order as it thinks fit as to the forfeiture or disposal of the shot gun or ammunition in respect of which the offence was committed.

SCHEDULE 7.

Section 59.

REPEALS

Modifications etc. (not altering text)

C69 The text of s. 59(1) and Sch. 7 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Chapter	Short Title	Extent of Repeal
1 Edw. 8&1 Geo. 6. c. 12.	The Firearms Act 1937.	The whole Act.
11&12 Geo. 6. c. 58.	The Criminal Justice Act 1948.	In Schedule 9, the entry relating to the Firearms Act 1937.
12, 13&14 Geo. 6. c. 94.	The Criminal Justice (Scotland) Act 1949.	In Schedule 11, the entry relating to the Firearms Act 1937.
15&16 Geo. 6&1 Eliz. 2. c. 55.	The Magistrate Courts Act 1952.	In Schedule 5, the entry relating to section 23(4) of the Firearms Act 1937.
15&16 Geo. 6&1 Eliz. 2. c. 52.	The Prison Act 1952.	In Schedule 3, the entry relating to section 21(2) of the Firearms Act 1937.
15&16 Geo. 6&1 Eliz. 2. c. 61.	The Prison (Scotland) Act 1952.	In Schedule 3, the entry relating to section 21(2) of the Firearms Act 1937.

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4&5 Eliz. 2. c. 69.	The Sexual Offences Act 1956.	In Schedule 3, the entry relating to the Firearms Act 1937.
10&11 Eliz. 2. c. 49.	The Air Guns and Shot Guns, etc. Act 1962.	The whole Act.
1964 c. 48	The Police Act 1964.	In Schedule 9, the entry relating to the Firearms Act 1937.
1965 c. 44.	The Firearms Act 1965.	The whole Act.
1966 c. 42.	The Local Government Act 1966.	In Part II of Schedule 3, the entry (numbered 19) relating to the Firearms Act 1937.
1966 c. 51.	The Local Government (Scotland) Act 1966.	In Part II of Schedule 4, the entry (numbered 17) relating to the Firearms Act 1937.
1967 c. 77.	The Police (Scotland) Act 1967.	In Schedule 4, the entry relating to the Firearms Act 1937.
1967 c. 80.	The Criminal Justice Act 1967.	Part V (that is to say, sections 85 to 88).

Status:
Point in time view as at 16/05/2019. This version of this Act contains provisions that are prospective.

Changes to legislation:
Firearms Act 1968 is up to date with all changes known to be in force on or before 23 July 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.