



Firearms Act 1968

1968 CHAPTER 27

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).

Status: Point in time view as at 10/04/2017. This version of this part contains provisions that are prospective.

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[^{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 cannellure 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\(2\)](#)
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)

- C1** 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

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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].
- (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.

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- (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)

[^{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) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 127, 183(1)(5)(e)**

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;

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- (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;]
 - (b) any weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas or other thing; and
 - [^{F23}(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.]
- [^{F24}(1A) 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, ^{F25} . . .—
- (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;
 - [^{F26}(f) [^{F27}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 [^{F28}subsections (1) and (1A) of this section (including, in the case of ammunition, any missiles falling within subsection (1A)(g)

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of this section)]are referred to in this Act as “prohibited weapons” and “prohibited ammunition” respectively.

[^{F29}(2A) A person commits an offence if without authority—

- (a) he manufactures any weapon 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.]

[^{F30}(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) [^{F31}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) [^{F32}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.

[^{F33}(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.]

[^{F34}(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)

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- 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)**
- 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) substituted (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)(c) substituted by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), **s. 1(3)**
- F24** S. 5(1A) inserted (1.1.1993) by S.I. 1992/2823, **reg. 3(1)**
- F25** 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)
- F26** S. 5(1A)(f) substituted (1.7.1997) by 1997 c. 5, **s. 9**; S.I. 1997/1535, art. 3, **Sch. Pt. I**
- F27** 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)
- F28** Words in s. 5(2) substituted (1.1.1993) by S.I. 1992/2823, **reg. 3(2)**
- F29** 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)
- F30** 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)
- F31** 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)
- F32** 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)
- F33** S. 5(7) inserted (1.1.1993) by S.I. 1992/2823, **reg. 3(3)**
- F34** 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)

- C2** S. 5: transfer of certain functions (1.11.1968) by S.I.1968/1200, **art. 2**
- C3** S. 5 amended (1.7.1997) by 1997 c. 5, **s. 1(7)**; S.I. 1997/1535, art. 3, **Sch. Pt. I**
- C4** 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))
- C5** 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))
- C6** Power to amend s. 5(1) conferred by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), **s. 1(4)**
- C7** 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**
- C8** 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)

[^{F35}5A Exemptions from requirement of authority under s.5.

- (1) Subject to subsection (2) below, the authority of the Secretary of State [^{F36}or the Scottish Ministers] shall not be required by virtue of ^{F37}... section 5 of this Act for

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any person to have in his possession, or to purchase, acquire, sell or transfer, [^{F38}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 [^{F39}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 [^{F39}or the Scottish Ministers] .

- (3) The authority of the Secretary of State [^{F40}or the Scottish Ministers] shall not be required by virtue of ^{F41}... section 5 of this Act for any person to have in his possession, or to purchase or acquire, [^{F42}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 [^{F40}or the Scottish Ministers] shall not be required by virtue of ^{F43}... section 5 of this Act for any person to have in his possession, or to purchase or acquire [^{F44}, or to sell or transfer,], any expanding ammunition or the missile for any such ammunition if—

- [he is authorised by a firearm certificate or visitor's firearm permit to possess,
- ^{F45}(a) 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 [^{F46}or the Scottish Ministers] shall not be required by virtue of ^{F43}... 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
- (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 [^{F46}or the Scottish Ministers] shall not be required by virtue of ^{F47}... section 5 of this Act for the sale or transfer of any expanding

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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 ^{F48}or the Scottish Ministers (as appropriate)] .

^{F49}(7) [The authority of the Secretary of State ^{F50}or the Scottish Ministers] shall not be required by virtue of ^{F47}... 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 ^{F51}is designed to be used with a pistol and] ^{F52}. . . 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 ammunition, falls within section 5(1A)(g) of this Act.]

Textual Amendments

- F35** S. 5A inserted (1.1.1993) by S.I. 1992/2823, reg. 3(4)
- F36** 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)
- F37** 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)
- F38** 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)
- F39** 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)
- F40** 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)
- F41** 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)
- F42** 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)
- F43** 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)
- F44** 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
- F45** 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
- F46** 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)
- F47** 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)
- F48** 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)
- F49** S. 5A(7) substituted (1.7.1997) by 1997 c. 5, s. 10(7); S.I. 1997/1535, art. 3(b), Sch. Pt. I
- F50** 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)

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- F51** Words in s. 5A(8)(a) inserted (31.1.2017 for specified purposes) by [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 129\(3\)](#), [183\(1\)\(5\)\(e\)](#)
- F52** 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
 - [^{F53}(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.

- [^{F54}(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.

Textual Amendments

- F53** 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\(2\)\(3\)](#)
- F54** S. 6(1A) inserted (2.4.1991) by [Firearms \(Amendment\) Act 1988 \(c. 45, SIF 51:1\)](#), [s. 20\(2\)](#)

Status: Point in time view as at 10/04/2017. This version of this part contains provisions that are prospective.

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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 [^{F55}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

- F55** 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.
- [^{F56}(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.

Textual Amendments

- F56** S. 8(1A) inserted (1.7.1997) by 1997 c. 5, s. 42(1); S.I. 1997/1535, art. 3(b), **Sch. Pt. I**

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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 [^{F57}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

F57 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) [^{F58}[^{F59}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.

[^{F60}(1A) ^{F61}.....].

[^{F62}(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.

[^{F63}(3) In subsection (1), a “relevant certificate of competence or licence” means—

- (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

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

Textual Amendments

- F58** 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)**
- F59** 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)**
- F60** 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)**
- F61** 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)**
- F62** 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)**
- F63** 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 [^{F64}; 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 [^{F65}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.

^{F66}(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.

- (5) [^{F67}A person may, without holding a shot gun certificate, borrow a shot gun from the occupier of private premises and use it on those premises in the occupier's presence [^{F68}; but where the person borrowing the shot gun is under the age of eighteen, this subsection applies only if the occupier is of or over the age of eighteen] .]

- (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.

Textual Amendments

- F64** Words in s. 11(1) inserted (28.7.2010) by [Firearms \(Amendment\) Regulations 2010 \(S.I. 2010/1759\)](#), regs. 1(2), **2(2)(a)**

Status: Point in time view as at 10/04/2017. This version of this part contains provisions that are prospective.

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- F65** Words in s. 11(2) inserted (28.7.2010) by [Firearms \(Amendment\) Regulations 2010 \(S.I. 2010/1759\)](#), regs. 1(2), **2(2)(b)**
- F66** 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](#)
- F67** S. 11(5) omitted (31.1.2017 for specified purposes) by virtue of [Policing and Crime Act 2017 \(c. 3\), ss. 130\(2\)\(a\), 183\(1\)\(5\)\(e\)](#)
- F68** Words in s. 11(5) inserted (28.7.2010) by [Firearms \(Amendment\) Regulations 2010 \(S.I. 2010/1759\)](#), regs. 1(2), **2(2)(c)**

^{F69}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 subparagraph (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—
 - (a) the ammunition is for use with the firearm,

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- (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

F69 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 certificate, 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 [^{F70}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 [^{F70}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

F70 Words substituted by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), s. **23(2)**

Modifications etc. (not altering text)

C9 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**

C10 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 [^{F71}a constable] a permit for the purpose in the prescribed form, remove a firearm from or to a ship, or a signalling apparatus from or to an aircraft or aerodrome, to or from such place and for such purpose as may be specified in the permit.

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- (2) It is an offence for a person [^{F72}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

- F71** Words substituted by [Firearms \(Amendment\) Act 1988 \(c. 45, SIF 51:1\)](#), **s. 23(3)**
F72 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** ^{F73}

Textual Amendments

- F73** 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 [^{F74}or cause serious injury to property], or to enable another person by means thereof to endanger life [^{F74}or cause serious injury to property], whether any injury [^{F74}to person or property] has been caused or not.

Textual Amendments

- F74** Words repealed by (E.W.) [Criminal Damage Act 1971 \(c. 48\)](#), **Sch. Pt.I**

[^{F75}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.]

Textual Amendments

- F75** S. 16A inserted (21.9.1994) by [1994 c. 31, ss. 1\(1\), 4\(2\)](#) (with s. 4(3))

Status: Point in time view as at 10/04/2017. This version of this part contains provisions that are prospective.

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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)^{F76}
- (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 . . .^{F77}

Textual Amendments

F76 S. 17(3) repealed by [Theft Act 1968 \(c. 60\)](#), [Sch. 3 Pt. III](#)

F77 Words repealed by [Theft Act 1968 \(c. 60\)](#), [Sch. 3 Pt. III](#)

Modifications etc. (not altering text)

C11 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

- [^{F78}(a) a loaded shot gun,
 (b) an air weapon (whether loaded or not),
 (c) any other firearm (whether loaded or not) together with ammunition suitable for use in that firearm, or
 (d) an imitation firearm.]

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Textual Amendments

F78 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 [^{F80}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 [^{F80}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

F80 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 [^{F81}to custody for life or] to preventive detention, or to imprisonment or to corrective training for a term of three years or more [^{F81}or to youth custody [^{F82}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 . . . ^{F83} to imprisonment for a term of three months or more but less than three years [^{F84}or to youth custody [^{F85}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 [^{F86}or who has been subject to a secure training order [^{F87}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.

[^{F88}(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—
 - (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,

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whichever is the later.]

[^{F89}(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 [^{F90}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.]

^{F91}(d)

^{F92}(2B)

[^{F93}(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 [^{F94}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.

[^{F95}(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 [^{F96}, 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

[^{F97}(b) a community payback order under section 227A of the Criminal Procedure (Scotland) Act 1995 (c.46).]

[Where by section 19 of the Firearms Act (Northern Ireland) 1969, or by any other ^{F98}(3A) 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 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.

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- (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) ^{F99} ... [^{F100}(2C),][^{F101}(3) or (3A)] of this section from having in his possession a firearm or ammunition may apply to [^{F102}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

- F81** Words inserted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 77, **Sch. 14 para. 24(a)**
- F82** Words inserted (E.W.) by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), ss. 123(6), Sch. 8 paras. 6, **16**
- F83** Words repealed by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), ss. 123(6), 170(2), Sch. 8 para. 16, **Sch. 16**
- F84** Words inserted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 77, **Sch. 14 para. 24(b)**
- F85** Words inserted (E.W.) by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 123(6), Sch. 8 paras. 6, **16**
- F86** 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)**
- F87** 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)**
- F88** 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)**
- F89** 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)**
- F90** Words in s. 21(2A)(c)(ii) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168, **Sch. 9 para. 31**
- F91** 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)
- F92** 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)
- F93** 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)
- F94** 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)
- F95** 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)
- F96** 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)
- F97** 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))
- F98** S. 21(3A) inserted by [Criminal Justice Act 1972 \(c. 71\)](#), ss. **29**, 66(7)(a)
- F99** 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)
- F100** 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)**
- F101** Words substituted by [Criminal Justice Act 1972 \(c. 71\)](#), ss. **29**, 66(7)(a)
- F102** Words substituted by [Courts Act 1971 \(c. 23\)](#), s. 56(2), **Sch. 9 Pt. II**

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Marginal Citations

M3 1933 c. 12.

M4 1937 c. 37.

PROSPECTIVE

[^{F103}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.

[A person commits an offence if the person—

^{F104}(1A) (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

F103 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)**

F104 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)

[^{F105}22 Acquisition and possession of firearms by minors.

- (1) [^{F106}It is an offence for a person under the age of eighteen to purchase or hire any firearm or ammunition.]

^{F107}[(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 [^{F108}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-one, or while the shot gun is so covered with a securely fastened gun cover that it cannot be fired.

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- (4) ^{F109}Subject to section 23 below, it is an offence for a person under the age of ^{F110}eighteen] to have with him an air weapon or ammunition for an air weapon.]
- (5) ^{F111}.....]

Textual Amendments

- F105** 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)**
- F106** S. 22(1) substituted (28.7.2010) by [Firearms \(Amendment\) Regulations 2010 \(S.I. 2010/1759\)](#), regs. 1(2), **2(3)**
- F107** S. 22(1A) inserted (1.1.1993) by [S.I. 1992/2823](#), **reg. 4(1)**
- F108** 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.]
- F109** 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)**
- F110** 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)**
- F111** 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)**

^{F112}23 ^{F113}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 ^{F114}for the person under whose supervision he is to allow him to use it for firing any missile beyond those premises.].
- ^{F115}(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) ^{F116}... 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 ^{F117}section 15 of the [Firearms \(Amendment\) Act 1988](#)], he is engaged as such a member ^{F118}... in connection with ^{F119}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.
- ^{F120}(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.
- ^{F121}(4).....]

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Textual Amendments

- F112** 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)
- F113** 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\(c\)\(ii\)](#)
- F114** 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\(d\)](#)
- F115** 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\(d\)](#)
- F116** 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\(g\)\(ii\)\(a\)](#)
- F117** Words substituted by [Firearms \(Amendment\) Act 1988 \(c. 45, SIF 51:1\)](#), [s. 23\(4\)](#)
- F118** 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](#)
- F119** 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](#)
- F120** 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\(c\)\(ii\)](#)
- F121** 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)

[^{F122}24 Supplying firearms to minors.

- (1) [^{F123}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 [^{F124}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 [^{F125}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 [^{F125}eighteen] except where [^{F126}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.]
- (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.]

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Textual Amendments

- F122** 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\(c\)](#)
- F123** S. 24(1) substituted (28.7.2010) by [Firearms \(Amendment\) Regulations 2010 \(S.I. 2010/1759\), regs. 1\(2\), 2\(4\)](#)
- F124** Words inserted by [Firearms \(Amendment\) Act 1988 \(c. 45, SIF 51:1\), s. 23\(4\)](#)
- F125** 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\(c\)](#)
- F126** 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\(c\)](#)

[^{F127}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.
- [Subsection (1) does not apply where—
- ^{F128}(2) (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

- F127** 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](#)
- F128** 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\(c\)](#)

PROSPECTIVE

[^{F129}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.

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- (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

F129 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.

Status:

Point in time view as at 10/04/2017. This version of this part contains provisions that are prospective.

Changes to legislation:

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