



# Firearms Act 1968

## 1968 CHAPTER 27

### PART II

#### FIREARM AND SHOT GUN CERTIFICATES; REGISTRATION OF FIREARMS DEALERS

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

#### [<sup>F1</sup>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.
- (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.]

*Status: Point in time view as at 01/07/2004.*

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**Textual Amendments**

**F1** 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**

**<sup>F2</sup>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**

**F2** 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.**

- [<sup>F7</sup>(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
  - (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.]

[<sup>F8</sup>(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 purchasing or 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 [<sup>F9</sup>, including if known their identification numbers,] and, as respects ammunition, the quantities authorised to be purchased [<sup>F9</sup> or acquired] and to be held at any one time thereunder.

*Status: Point in time view as at 01/07/2004.*

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

**Textual Amendments**

- F7** S. 27(1) substituted (1.7.1997) by 1997 c. 5, s. 38; S.I. 1997/1535, art. 3(b), **Sch. Pt. I**
- F8** S. 27(1A) inserted (1.1.1993) by S.I. 1992/2823, **reg. 4(2)**
- F9** Words inserted by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), **s. 23(5)**

**Modifications etc. (not altering text)**

- C3** S. 27(2) amended by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), **s. 9**

**28 Special provisions about shot gun certificates.**

[<sup>F10</sup>(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.]

[<sup>F11</sup>(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, purchasing 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.

[<sup>F12</sup>(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.]

<sup>F13</sup>(3) .....

**Textual Amendments**

- F10** S. 28(1) substituted by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), **s. 3(1)**
- F11** S. 28(1C) inserted (1.1.1993) by S.I. 1992/2823, **reg. 4(3)**
- F12** S. 28(2A) inserted by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), **s. 3(2)**
- F13** 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**

*Status: Point in time view as at 01/07/2004.*

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**Modifications etc. (not altering text)**

**C4** S. 28(2) amended by [Firearms \(Amendment\) Act 1988 \(c. 45, SIF 51:1\)](#), **s. 9**

**[<sup>F14</sup>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.
- (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**

**F14** 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](#)

**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.

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- (3) It is an offence for a person [<sup>F15</sup>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

**F15** 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**

#### [<sup>F16</sup>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.
- (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

**F16** 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**

#### [<sup>F17</sup>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.

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- (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**

**F17** 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

**<sup>F18</sup>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**

**F18** 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

**<sup>F19</sup>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 <sup>M1</sup>Firearms Act 1988 requiring him to surrender forthwith his certificate and any firearms and ammunition in his possession by virtue of the certificate.

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#### Textual Amendments

**F19** 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

**M1** 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)

**C6** S. 31 modified (1.11.1968) by S.I. 1968/1200, art. 3

### 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 [<sup>F20</sup>£50];
  - (b) on the renewal of a firearm certificate a fee of [<sup>F20</sup>£40];
  - (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 £26;
  - (cc) on the replacement of a firearm certificate which has been lost or destroyed a fee of £9;
  - (d) on the grant of a shot gun certificate a fee of [<sup>F20</sup>£50];
  - (e) on the renewal of a shot gun certificate a fee of [<sup>F20</sup>£40];
  - (f) on the replacement of a shot gun certificate which has been lost or destroyed a fee of £8.]

[<sup>F21</sup>(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.

<sup>F21</sup>(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

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- (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.

<sup>F22</sup>(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
  - (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

**F20** Fees in s. 32(1)(a)(b)(d)(e) substituted (1.1.2001) by S.I. 2000/3148, art. 3(2)-(5)

**F21** 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

**F22** 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)

**C7** S. 32 modified by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), s. 11(3)

**C8** 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

**C9** 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

<sup>F23</sup>*Issue etc. in Great Britain of documents for European purposes.]*

#### Textual Amendments

**F23** Heading and ss. 32A-32C inserted (1.1.1993) by S.I. 1992/2823, reg. 5(1).



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### **F24 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.

(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).

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- (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 [<sup>F25</sup>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

**F24** Heading and ss. 32A-32C inserted (1.1.1993) by [S.I. 1992/2823, reg. 5\(1\)](#)

**F25** 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](#)

#### <sup>F26</sup>**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—

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- (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

**F26** Heading and ss. 32A-32C inserted (1.1.1993) by S.I. 1992/2823, reg. 5(1)

### <sup>F27</sup>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.

- (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—

*Status: Point in time view as at 01/07/2004.*

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- (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 [F<sup>28</sup>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

**F27** Heading and ss. 32A-32C inserted (1.1.1993) by S.I. 1992/2823, reg. 5(1)

**F28** 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.
- (3) [F<sup>29</sup>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 [F<sup>30</sup>(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, [F<sup>31</sup>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.

*Status: Point in time view as at 01/07/2004.*

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#### Textual Amendments

- F29** 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**
- F30** 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**
- F31** 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 <sup>M2</sup>Firearms Act 1920 or any enactment of the Parliament of Northern Ireland amending or substituted for that section.
- [<sup>F32</sup>(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.
- (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

- F32** S. 34(1A) inserted by **Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), s. 13(2)**

#### Modifications etc. (not altering text)

- C10** S. 34(3) modified (1.11.1968) by **S.I. 1968/1200, art. 3**

#### Marginal Citations

- M2** 1920 c. 43.

### 35 Fee for registration and renewal thereof.

- [<sup>F33</sup>(1) Subject to this Act, on the registration of a person as a firearms dealer there shall be payable by him a fee of [<sup>F34</sup>£150].]

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- [<sup>F35</sup>(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 [<sup>F36</sup>£12]]
- (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.
- [<sup>F37</sup>(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 [<sup>F34</sup>£150].]

#### Textual Amendments

- F33** 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**
- F34** Fees in s. 35(1)(3) substituted (1.1.2001) by S.I. 2000/3148, **arts. 4, 5**
- F35** S. 35(1A) inserted by (S.) S.I. 1986/996, **art. 7** and (E.W.) S.I. 1986/986, **art. 7**
- F36** Words substituted by (E.W.) S.I. 1990/290, **art. 6(b)** and (S.) S.I. 1990/385, **art. 6(b)**
- F37** 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**

#### Modifications etc. (not altering text)

- C11** 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**
- C12** 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**
- C13** 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

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- (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.

### **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.

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- (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 [<sup>F38</sup>and the register of transactions kept by him under section 40 of this Act][<sup>F39</sup>(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.

#### Textual Amendments

**F38** Words inserted by [Firearms \(Amendment\) Act 1988 \(c. 45, SIF 51:1\)](#), **s. 13(3)**

**F39** 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)

**C14** [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 [<sup>F40</sup>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.



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### Textual Amendments

**F40** 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 to firearms is to be construed as not including a reference to air weapons or component parts of, or accessories to, air weapons; and any reference therein 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 cannellure 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 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.

[<sup>F41</sup>(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 [<sup>F42</sup>a constable][<sup>F43</sup>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 [<sup>F44</sup>(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.

[<sup>F45</sup>(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.

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- (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**

**F41** S. 40(3A) inserted by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), s. 13(4)

**F42** Words substituted by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), s. 23(3)

**F43** 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

**F44** 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

**F45** 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
- (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.

<sup>F46</sup>42 .....

**Textual Amendments**

**F46** 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

**[<sup>F47</sup>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 acquisitions or purchases or acquisitions by collectors etc.) or that he resides outside the member States,

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shall, within forty-eight hours of the transaction, send by registered post or the recorded delivery service 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.
- (3) It is an offence for a person to fail to comply with this section.]

#### Textual Amendments

**F47** S. 42A inserted (1.1.1993) by S.I. 1992/2823, reg. 6(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.
- (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)

**C15** S. 43 modified by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), ss. 11(4), 17(9)

**C16** 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)

### [<sup>F48</sup>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.

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- (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.
- (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

**F48** S. 44 substituted (1.7.1997) by 1997 c. 5, s. 41(1); S.I. 1997/1535, art. 3(b), **Sch. Pt. I**

#### 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 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 [<sup>F49</sup>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

**F49** Words substituted by Customs and Excise Management Act 1979 (c. 2, SIF 40:1), s. 177(1), **Sch. 4 para. 12**

**Status:**

Point in time view as at 01/07/2004.

**Changes to legislation:**

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