



# Firearms Act 1968

## 1968 CHAPTER 27

### PART III

#### LAW ENFORCEMENT AND PUNISHMENT OF OFFENCES

#### 46 Power of search with warrant.

- (1) If a justice of the peace or, in Scotland, the sheriff . . . <sup>F1</sup>, is satisfied by information on oath that there is reasonable ground for suspecting that an offence relevant for the purposes of this section has been, is being, or is about to be committed, he may grant a search warrant authorising a constable [<sup>F2</sup>named therein]—
- (a) to enter at any time any premises or place named in the warrant, if necessary by force, and to search the premises or place and every person found there;
  - (b) to seize and detain any firearm or ammunition which he may find on the premises or place, or on any such person, in respect of which or in connection with which he has reasonable ground for suspecting that an offence relevant for the purposes of this section has been, is being or is about to be committed; and
  - (c) if the premises are those of a registered firearms dealer, to examine any books relating to the business.
- (2) The offences relevant for the purposes of this section are all offences under this Act except an offence under section 22(3) or an offence relating specifically to air weapons.

#### Textual Amendments

**F1** Words repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 29](#)

**F2** Words repealed (E.W.) by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), s. 121(1), [Sch. 7 Pt.](#)

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

**C1** [S. 46](#) applied by [Firearms \(Amendment\) Act 1988 \(c. 45, SIF 51:1\)](#), [s. 25\(5\)](#)

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#### **47 Powers of constables to stop and search.**

- (1) A constable may require any person whom he has reasonable cause to suspect—
  - (a) of having a firearm, with or without ammunition, with him in a public place; or
  - (b) to be committing or about to commit, elsewhere than in a public place, an offence relevant for the purposes of this section,to hand over the firearm or any ammunition for examination by the constable.
- (2) It is an offence for a person having a firearm or ammunition with him to fail to hand it over when required to do so by a constable under subsection (1) of this section.
- (3) If a constable has reasonable cause to suspect a person of having a firearm with him in a public place, or to be committing or about to commit, elsewhere than in a public place, an offence relevant for the purposes of this section, the constable may search that person and may detain him for the purpose of doing so.
- (4) If a constable has reasonable cause to suspect that there is a firearm in a vehicle in a public place, or that a vehicle is being or is about to be used in connection with the commission of an offence relevant for the purposes of this section elsewhere than in a public place, he may search the vehicle and for that purpose require the person driving or in control of it to stop it.
- (5) For the purpose of exercising the powers conferred by this section a constable may enter any place.
- (6) The offences relevant for the purpose of this section are those under sections 18(1) and (2) and 20 of this Act.

#### **48 Production of certificates.**

- (1) A constable may demand, from any person whom he believes to be in possession of a firearm or ammunition to which section 1 of this Act applies, or of a shot gun, the production of his firearm certificate or, as the case may be, his shot gun certificate.
- (2) If a person upon whom a demand is made under this section fails to produce the certificate or to permit the constable to read it, or to show that he is entitled by virtue of this Act to have the firearm, ammunition or shot gun in his possession without holding a certificate, the constable may seize and detain the firearm, ammunition or shot gun and may require the person to declare to him immediately his name and address.
- (3) If under this section a person is required to declare to a constable his name and address, it is an offence for him to refuse to declare it or to fail to give his true name and address.

#### **49 Police powers in relation to arms traffic.**

- (1) [<sup>F3</sup>A constable] may search for and seize any firearms or ammunition which he has reason to believe are being removed, or to have been removed, in contravention of an order made under section 6 of this Act or of a corresponding Northern Irish order within the meaning of subsection (3)(c) of that section.
- (2) A person having the control or custody of any firearms or ammunition in course of transit shall, on demand by a constable, allow him all reasonable facilities for the examination and inspection thereof and shall produce any documents in his possession relating thereto.

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

#### Textual Amendments

**F3** Words substituted by [Firearms \(Amendment\) Act 1988 \(c. 45, SIF 51:1\)](#), s. 23(3)

### [<sup>F4</sup>50] Special powers of arrest.

- (1) A constable making a search of premises under the authority of a warrant under section 46 of this Act may arrest without warrant any person found on the premises whom he has reason to believe to be guilty of an offence relevant for the purposes of that section.
- (2) A constable may arrest without warrant any person whom he has reasonable cause to suspect to be committing an offence under section 19, 20, 21 or 47(2) of this Act and, for the purpose of exercising the power conferred by this subsection, may enter any place.

In Scotland, this subsection shall have effect with the inclusion of a reference to an offence under section 4, 5 or 18 of this Act.

- (3) A constable may arrest without warrant a person who refuses to declare his name and address when required to do so under section 48(2) of this Act, or whom he in such a case suspects of giving a false name and address or of intending to abscond.]

#### Textual Amendments

**F4** [S. 50](#) repealed (E.W.) by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), s. 121(1), [Sch. 7 Pt. I](#)

### 51 Prosecution and punishment of offences.

- (1) Part I of Schedule 6 to this Act shall have effect with respect to the way in which offences under this Act are punishable on conviction.
- (2) In relation to an offence under a provision of this Act specified in the first column of the Schedule (the general nature of the offence being described in the second column),—
- (a) the third column shows whether the offence is punishable on summary conviction or on indictment or either in one way or the other; and
  - (b) the fourth column shows the maximum punishment by way of fine or imprisonment under this Act which may be imposed on a person convicted of the offence in the way specified in relation thereto in the third column (that is to say, summarily or on indictment), any reference in the fourth column to a period of years or months being construed as a reference to a term of imprisonment of that duration.
- (3) The provisions contained in Part II of Schedule 6 to this Act (being provisions as to the inclusion in an indictment in Scotland of certain summary offences, the punishments which may be imposed when a person is convicted of more than one offence arising out of the same set of circumstances, alternative verdicts and the orders which, in certain cases, a court may make when a person is convicted by or before it) shall have effect

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in relation to such of the offences specified in Part I of that Schedule as are indicated by entries against those offences in the fifth column of that Part.

- (4) Notwithstanding [<sup>F5</sup>section 127(1) of the Magistrates' Courts Act 1980] or [<sup>F6</sup>section 331 of the <sup>M1</sup>Criminal Procedure (Scotland) Act 1975] (limitation of time for taking proceedings) summary proceedings for an offence under this Act, other than an offence under section 22(3) or an offence relating specifically to air weapons, may be instituted at any time within four years after the commission of the offence:

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

#### Textual Amendments

- F5** Words substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\), s. 154, Sch. 7 para. 72](#)  
**F6** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\), s. 460\(1\)\(b\)](#)

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

- C2** [S. 51\(4\)](#) applied by [Firearms \(Amendment\) Act 1988 \(c. 45, SIF 51:1\), s. 25\(5\)](#)  
**C3** [S. 51\(4\)](#) extended (1.7.1997) by [1997 c. 5, s. 50\(4\)](#); [S.I. 1997/1535, art. 3\(b\), Sch. Pt. I](#)  
**C4** [S. 51\(4\)](#) applied with modifications (6.4.2007) by [2006 c. 38, ss. 50\(3\)\(b\), 66\(2\)](#); [S.I. 2007/858, art. 2\(h\)\(ii\)](#)

#### Marginal Citations

- M1** [1975 c. 21.](#)

VALID FROM 22/01/2004

### <sup>F7</sup>51A Minimum sentence for certain offences under s. 5

- (1) This section applies where—
  - (a) an individual is convicted of—
    - (i) an offence under section 5(1)(a), (ab), (aba), (ac), (ad), (ae), (af) or (c) of this Act, or
    - (ii) an offence under section 5(1A)(a) of this Act, and
  - (b) the offence was committed after the commencement of this section and at a time when he was aged 16 or over.
- (2) The court shall impose an appropriate custodial sentence (or order for detention) for a term of at least the required minimum term (with or without a fine) unless the court is of the opinion that there are exceptional circumstances relating to the offence or to the offender which justify its not doing so.
- (3) Where an offence is found to have been committed over a period of two or more days, or at some time during a period of two or more days, it shall be taken for the purposes of this section to have been committed on the last of those days.
- (4) In this section “appropriate custodial sentence (or order for detention)” means—
  - (a) in relation to England and Wales—

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- (i) in the case of an offender who is aged 18 or over when convicted, a sentence of imprisonment, and
    - (ii) in the case of an offender who is aged under 18 at that time, a sentence of detention under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000;
  - (b) in relation to Scotland—
    - (i) in the case of an offender who is aged 21 or over when convicted, a sentence of imprisonment,
    - (ii) in the case of an offender who is aged under 21 at that time (not being an offender mentioned in sub-paragraph (iii)), a sentence of detention under section 207 of the Criminal Procedure (Scotland) Act 1995, and
    - (iii) in the case of an offender who is aged under 18 at that time and is subject to a supervision requirement, an order for detention under section 44, or sentence of detention under section 208, of that Act.
- (5) In this section “the required minimum term” means—
- (a) in relation to England and Wales—
    - (i) in the case of an offender who was aged 18 or over when he committed the offence, five years, and
    - (ii) in the case of an offender who was under 18 at that time, three years, and
  - (b) in relation to Scotland—
    - (i) in the case of an offender who was aged 21 or over when he committed the offence, five years, and
    - (ii) in the case of an offender who was aged under 21 at that time, three years.]

#### Textual Amendments

**F7** S. 51A inserted (22.1.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 287, 336; S.I. 2004/81, [art. 3](#)

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

**C5** S. 51A(1)(b): power to modify conferred (22.1.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 291(1)(a), 336; S.I. 2004/81, [art. 3](#)

## 52 Forfeiture and disposal of firearms; cancellation of certificate by convicting court.

- (1) Where a person—
- (a) is convicted of an offence under this Act (other than an offence under section 22(3) or an offence relating specifically to air weapons) or is convicted of a crime for which he is sentenced to imprisonment, . . . <sup>F8</sup> or detention in a detention centre or in a young offenders’ institution in Scotland; or
  - (b) has been ordered to enter into a recognizance to keep the peace or to be of good behaviour, a condition of which is that he shall not possess, use or carry a firearm; or
  - (c) is subject to a probation order containing a requirement that he shall not possess, use or carry a firearm; or

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- (d) has, in Scotland, been ordained to find caution a condition of which is that he shall not possess, use or carry a firearm,
- the court by or before which he is convicted, or by which the order is made, may make such order as to the forfeiture or disposal of any firearm or ammunition found in his possession as the court thinks fit and may cancel any firearm certificate or shot gun certificate held by him.
- (2) Where the court cancels a certificate under this section—
- (a) the court shall cause notice to be sent to the chief officer of police by whom the certificate was granted; and
  - (b) the chief officer of police shall by notice in writing require the holder of the certificate to surrender it; and
  - (c) it is an offence for the holder to fail to surrender the certificate within twenty-one days from the date of the notice given him by the chief officer of police.
- (3) A constable may seize and detain any firearm or ammunition which may be the subject of an order for forfeiture under this section.
- (4) A court of summary jurisdiction or, in Scotland, the sheriff may, on the application of the chief officer of police, order any firearm or ammunition seized and detained by a constable under this Act to be destroyed or otherwise disposed of.

#### **Textual Amendments**

**F8** Words repealed by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), **ss. 123(6)**, 170(2), Sch. 8 para. 16, Sch. 16

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

**C6** [S. 52](#) applied by [Firearms \(Amendment\) Act 1988 \(c. 45, SIF 51:1\)](#), **s. 25(5)**

**C7** [S. 52](#) extended (1.7.1997) by [1997 c. 5, s. 50\(4\)](#); [S.I. 1997/1535](#), art. 3(b), **Sch. Pt. I**

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