

## SCHEDULES

### SCHEDULE 1

Section 17.

#### OFFENCES TO WHICH SECTION 17(2) APPLIES

- 1 Offences under any of the following provisions of the Malicious Damage Act 1861:  
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  - sections 1 to 8 (setting fire to buildings and other property);
  - sections 9 to 12 (blowing up buildings or destroying them by riotous action);
  - sections 14 and 15 (industrial sabotage);
  - sections 26 to 29 (sabotage of mines and machinery);
  - sections 33 to 38 (sabotage of public transport and communications);
  - section 54 (making or having explosives for destructive purpose).
- 2 Offences under any of the following provisions of the Offences Against the Person Act 1861:—
  - sections 20 to 22 (inflicting bodily injury; garrotting; criminal use of stupefying drugs);
  - section 30 (laying explosive to building etc.);
  - section 32 (endangering railway passengers by tampering with track);
  - section 38 (assault with intent to commit felony or resist arrest);
  - section 47 (criminal assaults);
  - section 56 (child-stealing and abduction).
- 3 Offences under such of the provisions of section 4 of the Vagrancy Act 1824 as are referred to in and amended by section 15 of the Prevention of Crimes Act 1871 and section 7 of the Penal Servitude Act 1891 (suspected persons and reputed thieves being abroad with criminal intent).
- 4 Offences under any of the following provisions of the Larceny Act 1916:—
  - sections 2 to 4 (theft and its variants);
  - sections 12 to 15 (aggravated forms of larceny);
  - sections 24 to 27 (sacrilege, burglary and housebreaking);
  - section 28(2), (3) and (4) (going about at night as for burglary);
  - sections 29 and 30 (demanding with menaces).
- 5 Offences under section 51(1) of the Police Act 1964 or section 41 of the Police (Scotland) Act 1967 (assaulting constable in execution of his duty).
- 6 Offences under any of the following provisions of the Sexual Offences Act 1956:—
  - section 1 (rape);
  - sections 17, 18 and 20 (abduction of women).
- 7 Offences under section 217 of the Road Traffic Act 1960 (taking and driving away a motor vehicle).
- 8 Aiding or abetting the commission of any offence specified in paragraphs 1 to 7 of this Schedule.

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*Status: This is the original version (as it was originally enacted).*

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- 9 Attempting to commit any offence so specified, other than an offence under section 8 (arson of buildings), section 27 (arson of mines) or section 38 (sabotage of telegraphs) of the Malicious Damage Act 1861.

## SCHEDULE 2

Section 17, 18.

### OFFENCES TO WHICH SECTIONS 17(2) AND 18 APPLY IN SCOTLAND

#### *Common Law Offences*

- 1 Abduction.  
 2 Administration of drugs with intent to enable or assist the commission of a crime.  
 3 Assault.  
 4 Housebreaking with intent to steal.  
 5 Malicious mischief.  
 6 Mobbing and rioting.  
 7 Perverting the course of justice.  
 8 Prison breaking and breaking into prison to rescue prisoners.  
 9 Rape.  
 10 Robbery.  
 11 Theft.  
 12 Use of threats with intent to extort money or property.  
 13 Wilful fireraising and culpable and reckless fireraising.

#### *Statutory Offences*

- 14 Offences against such of the provisions of section 4 of the Vagrancy Act 1824 as are extended to Scotland by section 15 of the Prevention of Crimes Act 1871.  
 15 Offences against the third and fourth paragraphs of section 7 of the Prevention of Crimes Act 1871.  
 16 Offences against sections 2, 3 or 4 of the Explosive Substances Act 1883.  
 17 Offences against section 217 of the Road Traffic Act 1960.  
 18 Offences against section 41 of the Police (Scotland) Act 1967.

#### *Attempts*

- 19 Attempt to commit any of the offences mentioned in this Schedule.

## SCHEDULE 3

Section 21.

### JURISDICTION AND PROCEDURE ON APPLICATION UNDER SECTION 21(6)

#### PART I

##### APPLICATION TO QUARTER SESSIONS (ENGLAND AND WALES)

- 1 The application shall be made to the court of quarter sessions having jurisdiction in the place where the applicant resides.
- 2 Notice of the application, signed by the applicant or by his agent on his behalf and stating the general grounds of the application, shall be given by him to the clerk of the peace and also to the chief officer of police for the area in which the applicant resides.
- 3 On receiving notice of the application the clerk of the peace shall enter the application and give notice to the applicant, and to the chief officer of police to whom the notice of the application is required by paragraph 2 of this Schedule to be given, of the date, time and place fixed for the hearing; but the date shall not be less than twenty-one clear days after the date when the clerk of the peace received the notice of the application.
- 4 The applicant may at any time, not less than two clear days before the date fixed for the hearing, abandon his application by giving notice in writing to the clerk of the peace and to the chief officer of police; and if he does so the court of quarter sessions (hereafter in this Schedule referred to as " the court ") may order the applicant to pay to the chief officer of police such costs as appear to it to be just and reasonable in respect of expenses properly incurred by him in connection with the application before notice of abandonment was given to him.
- 5 The chief officer of police may appear and be heard on the hearing of the application.
- 6 The court may from time to time adjourn the hearing of the application.
- 7 On the determination of the application, the court may make such order as to payment of costs as it thinks fit, and may fix a sum to be paid by way of costs in lieu of directing a taxation thereof, and any costs ordered to be paid by the court may be recovered summarily as a civil debt and shall not be recoverable in any other manner:

Provided that the chief officer of police shall not under this paragraph be ordered to pay the costs of the applicant.

#### PART II

##### APPLICATION TO SHERIFF (SCOTLAND)

- 8 The application shall be made to the sheriff within whose jurisdiction the applicant resides.
- 9 Not less than twenty-one days' notice of the application shall be given to the chief officer of police for the area in which the applicant resides.

*Status: This is the original version (as it was originally enacted).*

## SCHEDULE 4

Section 40.

### PARTICULARS TO BE ENTERED BY FIREARMS DEALER IN REGISTER OF TRANSACTIONS

- 1 The quantities and description of firearms and ammunition manufactured and the dates thereof.
- 2 The quantities and description of firearms and ammunition purchased or acquired with the names and addresses of the sellers or transferors and the dates of the several transactions.
- 3 The quantities and description of firearms and ammunition accepted for sale, repair, test, proof, cleaning, storage, destruction or other purpose, with the names and addresses of the transferors and the dates of the several transactions.
- 4 The quantities and description of firearms and ammunition sold and transferred with the names and addresses of the purchasers and transferees (except in cases where the purchasers are transferees), the areas in which firearms were issued and the dates of the several transactions.
- 5 The quantities and description of firearms and ammunition in possession for sale or transfer at the date of the last stocktaking or such other date in each year as may be specified in the register.

## SCHEDULE 5

Section 44.

### PROVISIONS AS TO APPEALS UNDER S. 44 OF TINS ACT

#### PART I

#### COURTS WITH JURISDICTION TO ENTERTAIN APPEAL

Nature of appeal	Quarter sessions jurisdiction	Sheriff's jurisdiction
1. Appeal under section 26(4), 29(2) or 30(3) (against refusal to grant or renew, or to vary, or against revocation of, a certificate).	The court having jurisdiction in the place where the appellant resides.	The sheriff within whose jurisdiction the appellant resides.
2. Appeal under section 34(5) by a person aggrieved by the refusal of a chief officer of police to register him as a firearms dealer.	The court having jurisdiction in the place in which there is situated any place of business in respect of which the appellant has applied to be registered.	The sheriff within whose jurisdiction there is situated any place of business in respect of which the appellant has applied to be registered.
3. Appeal under section 34(5) or 37(3) by a person aggrieved by the refusal of a chief officer of police to enter a place of business of his in the register.	The court having jurisdiction in the place in which there is situated the place of business to which the appeal relates.	The sheriff within whose jurisdiction there is situated the place of business to which the appeal relates.

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Nature of appeal	Quarter sessions jurisdiction	Sheriff's jurisdiction
4. Appeal under section 36(3) (against imposition or variation of condition of registration, or refusal to vary or revoke such a condition).	The court having jurisdiction in the place in which is situated the appellant's place of business in respect of which the condition is in force.	The sheriff within whose jurisdiction is situated the appellant's place of business in respect of which the condition is in force.
5. Appeal under section 38(7) by a person aggrieved by the removal of his name from the register.	The court having jurisdiction in the place in which is situated any place of business in respect of which the appellant has been registered.	The sheriff within whose jurisdiction there is situated any place of business in respect of which the appellant has been registered.
6. Appeal under section 38(7) by a person aggrieved by the removal from the register of a place of business of his.	The court having jurisdiction in the place in which is situated the place of business to which the appeal relates.	The sheriff within whose jurisdiction is situated the place of business to which the appeal relates.

## PART II

### PROCEDURAL PROVISIONS FOR APPEAL TO QUARTER SESSIONS

- 1 Notice of an appeal, signed by the appellant or by his agent on his behalf and stating the general grounds of the appeal, shall be given by him to the clerk of the peace and also to the chief officer of police by whose decision the appellant is aggrieved.
- 2 A notice of appeal shall be given within twenty-one days after the date on which the appellant has received notice of the decision of the chief officer of police by which he is aggrieved.
- 3 On receiving notice of an appeal the clerk of the peace shall enter the appeal and give notice to the appellant and to the chief officer of police to whom the notice of the appeal is required by paragraph 1 of this Part of this Schedule to be given, of the date, time and place fixed for the hearing.
- 4 An appellant may at any time, not less than two clear days before the date fixed for the hearing, abandon his appeal by giving notice in writing to the clerk of the peace and to the chief officer of police; and if he does so the court of quarter sessions (hereafter referred to in this Schedule as "the court") may order the appellant to pay to the chief officer of police such costs as appear to it to be just and reasonable in respect of expenses properly incurred by him in connection with the appeal before notice of abandonment was given to him.
- 5 The chief officer of police may appear and be heard on the hearing of an appeal.
- 6 The court may from time to time adjourn the hearing of an appeal.
- 7 On the hearing of an appeal the court may either dismiss the appeal or give the chief officer of police such directions as it thinks fit as respects the certificate or register which is the subject of the appeal.
- 8 On the determination of an appeal the court may make such order as to payment of costs as it thinks fit, and may fix a sum to be paid by way of costs in lieu of directing a taxation thereof, and any costs ordered by the court to be paid may be recovered summarily as a civil debt and shall not be recoverable in any other manner.

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## SCHEDULE 6

Section 51.

## PROSECUTION AND PUNISHMENT OF OFFENCES

## PART I

## TABLE OF PUNISHMENTS

Section of this Act creating offence	General nature of offence	Mode of prosecution	Punishment	Additional provisions
Section 1(1)	Possessing etc. firearm or ammunition without firearm certificate.	(a) Summary	6 months or a fine of £200; or both. (i) where the offence is committed in an aggravated form within the meaning of section 4(4) of this Act, 5 years, or a fine; or both, (ii) in any other case, 3 years or a fine; or both.	} Paragraph 1 of Part II of this Schedule applies.
Section 1(2)	Non-compliance with condition of firearm certificate.	(b) On indictment Summary	6 months or a fine of £200; or both.	Paragraph 1 of Part II of this Schedule applies.
Section 2(1)	Possessing, etc., shot gun without shot gun certificate.	Summary	6 months or a fine of £200; or both.	Paragraph 1 of Part II of this Schedule applies.
Section 2(2)	Non-compliance with condition of shot gun certificate.	Summary	6 months or a fine of £200; or both.	Paragraph 1 of Part II of this Schedule applies.

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Section of this Act creating offence	General nature of offence	Mode of prosecution	Punishment	Additional provisions
Section 3(1)	Trading in firearms without being registered as firearms dealer.	(a) Summary  (b) On indictment.	6 months or a fine of £200; or both.  3 years or a fine; or both.	
Section 3(2)	Selling firearm to person without a certificate.	(a) Summary  (b) On indictment.	6 months or a fine of £200; or both.  3 years or a fine; or both.	
Section 3(3)	Repairing, testing etc. firearm for person without a certificate.	(a) Summary  (b) On indictment.	6 months or a fine of £200; or both.  3 years or a fine; or both.	
Section 3(5)	Falsifying certificate, etc., with view to acquisition of firearm.	(a) Summary  (b) On indictment	6 months or a fine of £200; or both.  3 years or a fine of £200; or both.	
Section 3(6)	Pawnbroker taking firearm in pawn.	Summary	3 months or a fine of £20; or both.	
Section 4(1) (3) }	Shortening a shot gun; conversion of firearms.	(a) Summary  (b) On indictment	6 months or a fine of £200; or both.  5 years or a fine; or both.	
Section 5(1)	Possessing or distributing prohibited weapons or ammunition.	(a) Summary  (b) On indictment.	6 months or a fine of £200; or both.  5 years or a fine; or both.	
Section 5(5)	Non-compliance with condition of Defence Council authority.	Summary	6 months or a fine of £200; or both.	
Section 5(6)	Non-compliance with requirement to surrender authority to possess, etc.,	Summary	A fine of £20.	

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Section of this Act creating offence	General nature of offence	Mode of prosecution	Punishment	Additional provisions
Section 6(3)	prohibited weapon or ammunition. Contravention of order under s. 6 (or corresponding Northern Irish order) restricting removal of arms.	Summary	3 months or, for each firearm or parcel of ammunition in respect of which the offence is committed, a fine of £20; or both.	Paragraph 2 of Part II of this Schedule applies.
Section 7(2)	Making false statement in order to obtain police permit.	Summary	6 months or a fine of £200; or both.	
Section 9(3)	Making false statement in order to obtain permit for auction of firearms etc.	(a) Summary (b) On indictment	6 months or a fine of £200; or both. 3 years or a fine; or both.	
Section 13(2)	Making false statement in order to obtain permit for removal of signalling apparatus.	Summary	6 months or a fine of £200; or both.	
Section 16	Possession of firearm with intent to endanger life or injure property.	On indictment	14 years or a fine; or, in England or Wales, both.	
Section 17(1)	Use of firearms to resist arrest	On indictment	14 years or a fine; or, in England or Wales, both.	Paragraphs 3 to 5 of Part II of this Schedule apply.
Section 17(2)	Possessing firearm while committing an offence specified in Schedule 1 or, in Scotland, an offence specified in Schedule 2.	On indictment	7 years or a fine; or, in England or Wales, both.	Paragraphs 3 and 6 of Part II of this Schedule apply.



Section of this Act creating offence	General nature of offence	Mode of prosecution	Punishment	Additional provisions
Section 18(1)	Carrying firearms or imitation firearm with intent to commit indictable offence (or, in Scotland, an offence specified in Schedule 2) or to resist arrest.	On indictment	10 years or a fine; or, in England or Wales, both.	
Section 19	Carrying loaded firearm in public place.	(a) Summary  (b) On indictment (but not if the firearm is an air weapon).	6 months or a fine of £200; or both.  5 years or a fine; or both.	
Section 20(1)	Trespassing with firearm in a building.	(a) Summary  (b) On indictment (but not if the firearm is an air weapon).	6 months or a fine of £200; or both.  5 years or a fine; or both.	
Section 20(2)	Trespassing with firearm on land.	Summary	3 months or a fine of £100; or both.	
Section 21(4)	Contravention of provisions denying firearms to ex-prisoners and the like.	(a) Summary  (b) On indictment...	6 months or a fine of £200; or both.  3 years or a fine; or both.	
Section 21(5)	Supplying firearms to person denied them under section 21.	(a) Summary  (b) On indictment	6 months or a fine of £200; or both.  3 years or a fine; or both.	
Section 22(1)	Person under 17 acquiring firearm.	Summary	6 months or a fine of £200; or both.	

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Section of this Act creating offence	General nature of offence	Mode of prosecution	Punishment	Additional provisions
Section 22(2)	Person under 14 having firearm in his possession without lawful authority.	Summary	6 months or a fine of £200; or both.	
Section 22(3)	Person under 15 having with him a shot gun without adult supervision.	Summary	A fine of £50	Paragraph 8 of Part II of this Schedule applies.
Section 22(4)	Person under 14 having with him an air weapon or ammunition therefor.	Summary.	A fine of £50.	Paragraphs 7 and 8 of Part II of this Schedule apply.
Section 22(5)	Person under 17 having with him an air weapon in a public place.	Summary	A fine of £50.	Paragraphs 7 and 8 of Part II of this Schedule apply.
Section 23(1)	Person under 14 making improper use of air weapon when under supervision; person supervising him permitting such use.	Summary	A fine of £50	Paragraphs 7 and 8 of Part II of this Schedule apply.
Section 24(1)	Selling or letting on hire a firearm to person under 17.	Summary	6 months or a fine of £200; or both.	
Section 24(2)	Supplying firearm or ammunition (being of a kind to which section 1 of this Act applies) to person under 14.	Summary..	6 months or a fine of £200; or both.	
Section 24(3)	Making gift of shot gun to person under 15.	Summary.	A fine of £50	Paragraph 9 of Part II of this Schedule applies.

*Status: This is the original version (as it was originally enacted).*

Section of this Act creating offence	General nature of offence	Mode of prosecution	Punishment	Additional provisions
Section 24(4)	Supplying air weapon to person under 14.	Summary	A fine of £50.	Paragraphs 7 and 8 of Part II of this Schedule apply.
Section 25	Supplying firearm to person drunk or insane.	Summary	3 months or a fine of £20; or both.	
Section 26(5)	Making false statement in order to procure grant or renewal of a firearm or shot gun certificate.	Summary	6 months or a fine of £200; or both.	
Section 29(3)	Making false statement in order to procure variation of a firearm certificate.	Summary	6 months or a fine of £200; or both.	
Section 30(4)	Failing to surrender certificate on revocation.	Summary.	A fine of £20.	
Section 38(8)	Failure to surrender certificate of registration on removal of firearms dealer's name from register.	Summary	A fine of £20.	
Section 39(1)	Making false statement in order to secure registration or entry in register of a place of business.	Summary	6 months or a fine of £200; or both.	
Section 39(2)	Registered firearms dealer having place of business not entered in the register.	Summary.	6 months or a fine of £200; or both.	

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Section of this Act creating offence	General nature of offence	Mode of prosecution	Punishment	Additional provisions
Section 39(3)	Non-compliance with condition of registration.	Summary	6 months or a fine of £200; or both.	
Section 40(5)	Non-compliance by firearms dealer with provisions as to register of transactions; making false entry in register.	Summary.	6 months or a fine of £200; or both.	
Section 42	Failure to comply with instructions in firearm certificate when transferring firearm to person other than registered dealer; failure to report transaction to police.	(a) Summary  (b) On indictment	6 months or a fine of £200; or both.  3 years or a fine; or both.	
Section 47(2)	Failure to hand over firearm or ammunition on demand by constable.	Summary	3 months, or a fine of £100; or both.	
Section 48(3)	Failure to comply with requirement of a constable that a person shall declare his name and address.	Summary	A fine of £20.	
Section 49(3)	Failure to give constable facilities for examination of firearms in transit, or to produce papers.	Summary	3 months or, for each firearm or parcel of ammunition in respect of which the offence is committed, a fine of £20; or both.	Paragraph 2 of Part II of this Schedule applies.
Section 52(2)(c)	Failure to surrender	Summary	A fine of £20.	

*Status: This is the original version (as it was originally enacted).*

Section of this Act creating offence	General nature of offence	Mode of prosecution	Punishment	Additional provisions
	firearm or shot gun certificate cancelled by court on conviction.			

## PART II

### SUPPLEMENTARY PROVISIONS AS TO TRIAL AND PUNISHMENT OF OFFENCES

- 1 In Scotland, a contravention of section 1(1) or (2) or section 2(1) or (2) of this Act which, if it had been triable on indictment, could competently have been libelled as an additional or alternative charge in an indictment charging a person with an offence involving any injury or attempted injury of, or any threat or intent to injure, any person or property by the use or attempted use of a firearm, may, notwithstanding anything in those sections or in Part I of this Schedule, be so libelled and tried.
- 2 In the case of an offence against section 6(3) or 49(3) of this Act, the court before which the offender is convicted may, if the offender is the owner of the firearms or ammunition, make such order as to the forfeiture of the firearms or ammunition as the court thinks fit.
- 3 Where in England or Wales a person who has attained the age of seventeen is charged before a magistrates' court with an offence specified in Schedule 1 to the Magistrates' Courts Act 1952 and is also charged before that court with an offence under section 17(1) or (2) of this Act, then, notwithstanding anything in section 19 of the said Act of 1952, the court shall not proceed to the summary trial of the first-mentioned offence if the accused is committed for trial in respect of the offence under section 17(1) or (2) of this Act.
- 4 Where a person commits an offence under section 17(1) of this Act in respect of the lawful arrest or detention of himself for any other offence committed by him, he shall be liable to the penalty provided by Part I of this Schedule in addition to any penalty to which he may be sentenced for the other offence.
- 5 If on the trial of a person for an offence under section 17(1) of this Act the jury are not satisfied that he is guilty of that offence but are satisfied that he is guilty of an offence under section 17(2), the jury may find him guilty of the offence under section 17(2) and he shall then be punishable accordingly.
- 6 The punishment to which a person is liable for an offence under section 17(2) of this Act shall be in addition to any punishment to which he may be liable for the offence first referred to in section 17(2).
- 7 The court by which a person is convicted of an offence under section 22(4) or (5), 23(1) or 24(4) of this Act may make such order as it thinks fit as to the forfeiture or disposal of the air weapon or ammunition in respect of which the offence was committed.

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- 8 The court by which a person is convicted of an offence under section 22(3), (4) or (5), 23(1) or 24(4) may make such order as it thinks fit as to the forfeiture or disposal of any firearm or ammunition found in his possession.
- 9 The court by which a person is convicted of an offence under section 24(3) of this Act may make such order as it thinks fit as to the forfeiture or disposal of the shot gun or ammunition in respect of which the offence was committed.

## SCHEDULE 7

Section 59.

## REPEALS

Chapter	Short Title	Extent of Repeal
1 Edw. 8 & 1 Geo. 6. c. 12.	The Firearms Act 1937.	The whole Act.
11 & 12 Geo. 6. c. 58.	The Criminal Justice Act 1948.	In Schedule 9, the entry relating to the Firearms Act 1937.
12, 13 & 14 Geo. 6. c. 94.	The Criminal Justice (Scotland) Act 1949.	In Schedule 11, the entry relating to the Firearms Act 1937.
15 & 16 Geo. 6 & 1 Eliz. 2. c. 55.	The Magistrates' Courts Act 1952.	In Schedule 5, the entry relating to section 23(4) of the Firearms Act 1937.
15 & 16 Geo. 6 & 1 Eliz. 2. c. 52.	The Prison Act 1952.	In Schedule 3, the entry relating to section 21(2) of the Firearms Act 1937.
15 & 16 Geo. 6. and 1 Eliz. 2. c. 61.	The Prisons (Scotland) Act 1952.	In Schedule 3, the entry relating to section 21(2) of the Firearms Act 1937.
4 & 5 Eliz. 2. c. 69.	The Sexual Offences Act 1956.	In Schedule 3, the entry relating to the Firearms Act 1937.
10 & 11 Eliz. 2. c. 49.	The Air Guns and Shot Guns, etc. Act 1962.	The whole Act.
1964 c. 48.	The Police Act 1964.	In Schedule 9, the entry relating to the Firearms Act 1937.
1965 c. 44.	The Firearms Act 1965.	The whole Act.
1966 c. 42.	The Local Government Act 1966.	In Part II of Schedule 3, the entry (numbered 19) relating to the Firearms Act 1937.
1966 c. 51.	The Local Government (Scotland) Act 1966.	In Part II of Schedule 4, the entry (numbered 17) relating to the Firearms Act 1937.

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Chapter	Short Title	Extent of Repeal
<a href="#">1967 c. 77.</a>	The Police (Scotland) Act 1967.	In Schedule 4, the entry relating to the Firearms Act 1937.
<a href="#">1967 c. 80.</a>	The Criminal Justice Act 1967.	Part V (that is to say, sections 85 to 88).